

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71843 of 2024

Arising Out of PS. Case No.-169 Year-1997 Thana- GAIGHAT District- Muzaffarpur

Parwati Devi Wife of Arun Ram R/O-Village- Janta, PS- Gaighat, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-10-2024 Heard Learned counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sessions Trial No. 289 of 2016 arising out of Gaighat P.S. Case No. 169 of 1997 lodged on 09.02.1997 under Sections 326, 307 and 34 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was also added.

3. As per the prosecution, all the accused persons have killed the daughter of the informant causing burn injuries. It transpires that there is no direct allegation against the petitioner, but only one line has been inserted in the FIR that the said occurrence happened because the deceased's husband has another wife.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The FIR was lodged in the year 1997 and in the same FIR, the petitioner was not named but chargesheet was filed in this case against the petitioner in 2008 showing the petitioner as an absconder in this case. Learned Counsel further submits that the petitioner is a lady and she was residing at her *maika* and other accused persons have not disclosed anything against the petitioner. In the year 2016, her trial was separated from the other co-accused persons and was conducted vide Sessions Trial No. 289 of 2016. Counsel further submits that when the petitioner received knowledge about this case, she immediately surrendered before the Trial Court on 09.07.2024. Counsel further submits that other accused persons have been granted bail vide order dated 23.09.2005 passed in Criminal Miscellaneous No. 36826 of 2005. Counsel further submits that he is well aware that the Code of Criminal Procedure, 1973 has been repealed and in its place, Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS') has come and Section 335 of BNSS indicates that evidence may be recorded in absence of the accused. Counsel further submits that the petitioner is ready to be trialed in the Sessions Case relating to the other co-accused



in view of Section 335 of the BNSS.

5. Learned counsel for the State opposes the prayer for bail and submits that this is a case of the year 1997 and the trial of this case was delayed due to the petitioner and, therefore, she may not be released on bail.

6. Upon specific query of the Court, regarding how many witnesses were examined in the Sessions Trial No. 235 of 2006, counsel for the petitioner submits that as per his knowledge, only one witness has been examined.

7. It transpires to this Court that on the first page of the certified copy of the FIR, two Sessions Cases have been mentioned as Sessions Trial No. 235 of 2006 and Sessions Trial No. 236 of 2006 whereas the petitioner's Sessions Trial Case is Sessions Trial No.289/2016.

8. At this juncture, Counsel for the petitioner submits that only Sessions Trial No. 235 of 2006 is pending.

9. In case, both the Sessions Cases mentioned above are pending as Sessions Trial No. 235 of 2006 and Sessions Trial No. 236 of 2006, then in that case, it is directed to the Sessions Court that all the pending Sessions Trial in connection with the present criminal case shall be heard together and in



case of any legal defect, the Court may read and use the provision mentioned under Section 335 of the BNSS.

10. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 289/2016 arising out of Gaighat P.S. Case No. 169 of 1997, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure as well as the other conditions that the petitioner shall file an undertaking/affidavit before the Trial Court that he shall appear before the Trial Court on each and every date and default in two consecutive occasions shall lead cancellation of her bail bond/s.

(Dr. Anshuman, J)

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