

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38754 of 2014

Arising Out of PS.Case No. -72 Year- 2013 Thana -JANTA BAZAR District- SARAN

Kaushalya Devi W/o Raghunath Sharma resident of village- Harpur Kothi,
P.S.- Janta Bazar, District- Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate.

For the Opposite Party/s : Mr. Anil Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-03-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Sections 147, 323, 324, 307, 302, 341, 504 of the Indian Penal Code and that there is no specific allegation of overt act against the petitioner an old woman as also she has got no criminal antecedent and her implication in this case seems to be account of being the mother of the main accused Brij Kishore Sharma and Jitendra Sharma who along with one Amit Sharma had assaulted the deceased, this Court, keeping in view of advanced age of the petitioner would find her entitled for the privilege of anticipatory bail.

That being so, if the petitioner namely Kaushalya Devi surrenders before the court below within a period of four weeks from today, she shall be released on bail on furnishing bail bond of

Rs. 10,000/- with two sureties of the like amount to the satisfaction of the Chief Judicial Magistrate, Saran in connection with Janta Bazar P.S.Case No. 72 of 2013 subject to the following conditions:

- (i) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if she is, she shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the petitioner will be well represented on each and every date in course of trial and if she

fails to do so on two consecutive dates, her bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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