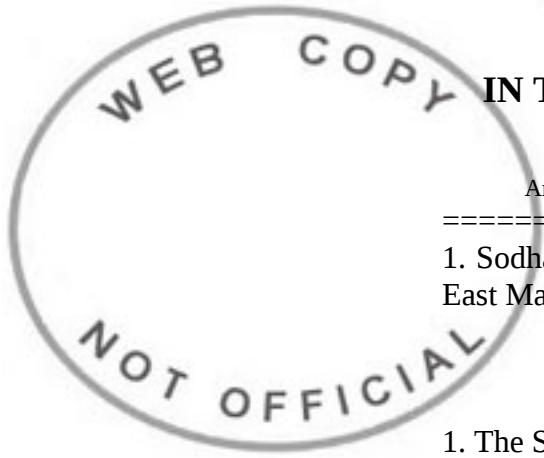




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12537 of 2016

Arising Out of PS.Case No. -117 Year- 2004 Thana -DHANARUA District- PATNA

=====

1. Sodhani Devi, Wife of Sanjay Kumar Yadav, resident of Village- Sadha East Mathia, P.S- Dhanarua, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Asha Devi(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

5 22-06-2016 The learned counsel for the petitioner is permitted to make correction in the prayer portion of the bail application.

Heard the learned counsel for the petitioner, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioner seeks bail in a case for the offences punishable under section 302/34 of the I.P.C

Allegedly, the petitioner and other FIR named accused persons assaulted Ajay Kumar Yadav with spade causing his death.

Submission is of false implication and that during



investigation it has come that the petitioner gave spade to Sanjay Yadav and Sanjay Yadav assaulted Ajay Kumar Yadav when he was fleeing away and as such the petitioner is not the assailant, she being a lady having seven months old daughter in her lap deserves sympathetic consideration as she is in custody since 28.08.2015 and further from the order of the learned 3rd Additional District & Sessions Judge, Patna it does not reveal that any process was ever served on the petitioner before declaring her as absconder, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that this is a case of the year 2004 and the petitioner remained absconding, she has been apprehended on the basis of the permanent warrant of arrest.

In the facts and circumstances as stated above, considering that the petitioner is the lady having a daughter in her lap and as such now she is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.D.J. III, Patna in S.Tr. No. 314 of 2016 arising out of Dhanarua P.S. Case No. 117 of 2004, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned

and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on her part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--