

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38459 of 2017

Arising Out of PS.Case No. -79 Year- 2014 Thana -KARJA District- MUZAFFARPUR

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Asha Devi, Wife of Sanjay Rai, Resident of Village- Narhar Sarai, Naya Tola, P.S. Karja, District:- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Sri Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 19-08-2017

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Karja P.S. Case No. 79 of 2014 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that from a bare perusal of the First Information Report (in short the "FIR") would show that there are general and omnibus allegation against this petitioner being *Gotni* of the deceased, her husband and the husband of the present petitioner.

Learned counsel for the petitioner submits that in fact the husband of the deceased and husband of



the present petitioner both have been acquitted by the learned 9th Additional Sessions Judge on the basis of a compromise in Trial No. 858/2014. It is submitted that the case of the present petitioner stands on similar footing.

Submission of learned counsel for the petitioner is that the petitioner is a female and she would not abscond if the privilege of bail is extended.

On the other hand, learned Additional Public Prosecutor for the State opposes the prayer for bail of the petitioner and submits that this petitioner despite the earlier direction of this court to surrender and seek regular bail did not surrender for a period of about two years and has moved for bail only at a belated stage.

Having heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State and upon perusal of the record and considering the nature of the case in which the two accused have already been acquitted on the basis of a compromise, this petitioner being a lady and is ready to abide by the terms and conditions of bail, I am inclined to grant regular bail to the petitioner, let the petitioner, above named, be



enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Karja P.S. Case No. 79 of 2014, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure and that one of the bailors of the petitioner would be her husband and she would cooperate in conclusion of the trial by putting her appearance or representation as the case may be from the date fixed in the matter. Any two regular defaults in appearance in course of trial would lead to cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J.)

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