

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32356 of 2019

Arising Out of PS. Case No.-35 Year-2015 Thana- SARE District- Nalanda

JASIA DEVI Wife of Shiv Balak Choudhary Resident of Village- Khetalpura,
P.S.- Sare, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Premchandra Yadav

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 24-07-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Sare P. S. Case No. 35
of 2015 instituted for the offence under Section(s) 147,148,149,
323, 341, 342, 324,325,326, 307 and 302 of the Indian Penal
Code.

Earlier, his prayer for bail was rejected by this Court
by order dated 31.10.2018 by order passed in Cr. Misc. no.
58337 of 2018 with liberty to renew prayer for bail after six
months in the event no substantive progress is made in trial.

Report called from the Court below has been received
from which it appears that after framing of charge on
11.6.2019, not a single witness has been examined in this case.
The Trial Court has mentioned in its report the expected time to
be taken in conclusion of trial is one year.

In the written report, there is no specific allegation
against this petitioner of committing assault on the deceased.
There is general and omnibus allegation levelled against this
petitioner. Further statement of the informant has been recorded



in para 43 of the case diary, wherein, he has narrated about different accused persons who have assaulted his father (since deceased). But, he has not named this petitioner. The informant has alleged that this petitioner has assaulted him with *fasuli* causing injury in his stomach.

Injury report of informant is available in the case diary, which shows that scar cutting was found on the right leg and patient was referred to PMCH.

Petitioner is a lady and she is in custody since 20.6.2018.

Keeping in view the period of custody, let the petitioner, above named, 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 the CJM, Nalanda at Biharsharif in connection with Sare P. S. Case No. 35 of 2015, subject to the following conditions:-

(i) Both the bailors shall be the close relative of the petitioner.

(ii) The petitioner shall be present on each and every date fixed by the Court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner.

(iii) If petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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