

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38355 of 2019**

Arising Out of PS. Case No.-308 Year-2002 Thana- DHOLBAJJA District- Bhagalpur

INDON @ INDU DEVI @ INDU @ INDO DEVI Wife of Nityanand Sharma
Resident of Village - Luridas Tola, P.S.- Dholbajja, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey

For the Opposite Party/s : Mr.Sucheta Yadav

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 11-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Sessions Trial No. 1190 of 2010 arising out of Dholbajja P.S.
Case No. 308 of 2002 registered for the offence punishable
under Sections 302, 307, 326 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per allegation in the FIR, 10-12 persons are
alleged to have fired on the family members of the informant as
a result of which his father and elder brother had died while
others were injured. Amongst 4-5 named accused persons, the
petitioner also happens to be one.

It is submitted by learned counsel for the petitioner
that even as per the FIR, no overt act has been alleged against



the petitioner, who happens to be a lady, suffering from various ailments. She surrendered in the court below on 07.03.2019. In course of trial four prosecution witnesses have been examined. They have not supported the prosecution case and there is no chance of conclusion of trial in near future. The petitioner is ready to abide by the conditions imposed by this court for grant of bail.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and on going through the record, it transpires that for the FIR/case of the year 2002, the petitioner surrendered only on 07.03.2019. The trial has proceeded and four prosecution witnesses have been examined. On query, the court is informed that there are eleven charge-sheet witnesses.

In view of the aforesaid facts and circumstances, this Court is not inclined to enlarge the petitioner on bail for the present and, as such, the application for bail stands rejected. The court below is directed to expedite the trial.

(Partha Sarthy, J)

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