

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6867 of 2020

Arising Out of PS. Case No.-422 Year-2018 Thana- HARNAUT District- Nalanda

SARVILA DEVI @ SARBILA DEVI W/o Sri Shiv Shankar Chaudhary R/o
village- Niyatpur, P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Jainandra Kumar
For the Opposite Party/s :	Mr.Shyameshwar Dayal
	Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 28-05-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Harnaut P.S. Case No. 422 of 2018 for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

The brief facts of the case, according to the prosecution, is that on 03.12.2018 at about 10:00 A.M., the informant's brother-in-law, namely, Shiv Shankar Chaudhary and the petitioner herein had assaulted the sister of the informant on head with brick with an intention to kill her whereafter the brother-in-law of the informant had taken the injured to Sadar Hospital, Bihar Sharif for



treatment and then subsequently the sister of the informant was referred to P.M.C.H., Patna for better treatment where she died on 09.12.2018. It is the allegation of the informant that though the sister of the informant had two sons and one daughter from the marriage with the brother-in-law of the informant but the brother-in-law of the informant had married the petitioner herein for another son.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, though she is an accused in one another case but she is on bail in the said case and the said case had been lodged by the deceased. It is further submitted that the petitioner is languishing in custody since 25.05.2019. It is also submitted that falsity of the allegation leveled against the petitioner is apparent from the fact that though the incident had taken place on 03.12.2018 but the FIR was lodged belatedly only on 09.12.2018. Lastly, it is submitted that the main assailant i.e. the brother-in-law of the informant is in custody, hence no prejudice would be caused in case the petitioner, who is a lady, is granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Considering the facts and circumstances of the case, the



submissions made by the learned counsel for the parties as also taking into account the fact that the main assailant is in jail custody and the charge sheet has already been filed as also there is no need of the petitioner for custodial interrogation apart from considering the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail upon her furnishing personal bond to the satisfaction of learned C.J.M., Nalanda at Biharsharif in connection with Harnaut P.S. Case No. 422 of 2018.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned C.J.M., Nalanda at Biharsharif, in connection with Harnaut P.S. Case No. 422 of 2018, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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