

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45809 of 2021

Arising Out of PS. Case No.-133 Year-2020 Thana- DINARA District- Rohtas

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DHARAMSHILA DEVI Wife of Late Rajesh Paswan Resident of Village-
Jamroth, Police Station- Dinara, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

04 03-03-2022

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that on going to his brother's house he found him to be in an injured condition and blood oozing out of his head. On enquiry, the petitioner disclosed that as a result of family dispute she had struck her husband i.e. the deceased with the spade on his head.

It is submitted by learned counsel for the petitioner that the petitioner is the wife of the deceased and the informant happens to be elder brother of the deceased. There is family dispute and as a result of the said dispute the petitioner has been



falsely implicated in the case. She is in custody since 24.5.2020. Even from the F.I.R. it would be evident that the informant is not an eye witness to the occurrence. The petitioner undertakes to cooperate in the trial.

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

A report was called from the learned trial Court and as per the report received the examination of the prosecution witnesses have commenced and two witnesses have been examined on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 1 year 9 months and there being no eye witness to the occurrence, the Court directs the petitioner to be enlarged on bail in connection with S.Tr. no.81 of 2021 (arising out of Dinara P.S. Case no. 133 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Rohtas at Sasaram.

In view of the trial in the learned trial Court having commenced, it is directed that the petitioner shall cooperate in the trial and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion



that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take her into custody till conclusion of the trial.

(Partha Sarthy, J)

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