

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.952 of 2022**

Arising Out of PS. Case No.-56 Year-2002 Thana- SAKURABAD District- Jehanabad

ASHARFI DEVI Wife of Late Suresh Yadav Resident of Village-Pandaul,
P.S.-Shakurabad, District-Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2022 Heard learned counsel for the petitioner and Mr.
Shantanu Kumar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Session Trial No. 184 of 2004 / 349 of 2017 / 249 of 2021 arising out of Sakurabad P.S. Case No. 56 of 2002 registered for the offences punishable under Section 302/34 of the Indian Penal Code. She is in custody since 10.09.2021 having no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that in this case ten prosecution witnesses have been examined, even though the charge-sheet contained the name of only nine witnesses. The last witness was examined on 01.08.2005. It is further submitted that the husband of the petitioner who was



also an accused died in the year 2011 whereafter the pairvy of the case was left as the petitioner who is a lady was unable to take effective steps to do pairvy in this case.

Learned counsel submits that considering her old age and social status being not very literate she deserves a sympathetic consideration and if released on bail at this stage she would be in a better position to do pairvy in her case.

Learned A.P.P. for the State is present.

Considering the facts and circumstances of the case particularly that in this case the husband of the petitioner died in the year 2011 and the pairvy of the case was left, as a result whereof the bail bond of the petitioner was also cancelled and then she has been arrested on 10.09.2021, this Court, taking note of the age of the petitioner and the fact that she is an illiterate lady and the social condition in which she was unable to take care of her case, directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – VIII, Jehanabad/concerned court in connection with Trial No. 184 of 2004 / 349 of 2017 / 249 of 2021 arising out of Sakurabad P.S. Case No. 56 of 2002, subject to the condition as



laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that henceforth she will participate in course of trial on each and every date fixed in the matter. Two consecutive defaults in putting appearance and any non-cooperation in course of trial would result in taking action by the learned trial court for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

