

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13591 of 2017

Arising Out of PS.Case No. -301 Year- 2016 Thana -PATLIPUTRA District- PATNA

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1. Devanand Kumar Soni, S/o Lakhan Prasad Gupta, Ashok Jewellers Narayan Market, Sri Krishnapuri, Near Krishna Apartment, Boring Road, at present Add. Maharani Utsav Place, behind SDFCL, Vansh Vihar Apartment near Patliputra, District- Patna.
 2. Kanahiya Kumar Soni, S/o Lakhan Prasad Gupta, Ashok Jewellers, Gosai Tola, Patliputra, at present Add. Maharani Utsav Place, behind SDFCL, Vansh Vihar Apartment near Patliputra, District- Patna
 3. Pushpa Kumari Soni, W/o Ashok Kumar Soni, Ashok Jewellers, Gosai Tola, Patliputra, at present Add. Maharani Utsav Place, behind SDFCL, Vansh Vihar Apartment near Patliputra, District- Patna

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dhananjay Kumar Upadhyay, Advocate

For the Opposite Party : Mr. Pawan Kumar Chaurasiya (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 01-05-2017

Heard learned counsel for the petitioners, learned

counsel for the informant and learned counsel representing the

State.

The petitioners apprehend their arrest in connection with Patliputra P.S. Case No. 301 of 2016, registered for the offences punishable under Sections 420, 406, 380, 323/34 of the Indian Penal Code.

Allegedly, petitioners and other co-accused entered into the house of informant after breaking the locks and assaulted the informant and her daughter and also kidnapped the informant and admitted the informant in a mental asylum. It is stated that the informant was released from the Mental Hospital with the intervention of Patliputra P.S. The petitioners and other co-



accused took away Rs. 1,00,000/- cash, ornaments and original papers of land from the house of the informant after breaking the locks. It is said that the informant has already lodged a Patliputra P.S. Case No. 475 of 2015 against the accused persons.

Submission is of false implication and that the F.I.R. in the present case has been lodged after three months from the date of alleged occurrence. The informant of this case is mother of the petitioner nos. 1 and 2 and mother-in-law of petitioner no.3. There is a property dispute between the parties for which a Title Suit is pending in Civil Court. There is no specific allegation against the petitioners, the allegations are general and omnibus in nature. During investigation, the witnesses have not supported the allegation. The accused Ashok Kumar Soni has been allowed regular bail whereas Prem Kumar and Asha Devi have already been allowed pre-arrest bail and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant has opposed the prayer of bail. There is no delay in filing the case as initially, the complaint case was filed in the Court of C.J.M., Patna, which was sent to police station under Section 156(3) Cr.P.C. but the police did not lodge F.I.R. and the present F.I.R. was lodged due to intervention of the S.S.P., Patna.

In the facts and circumstances as stated above,



considering that husband of petitioner no.3 has been allowed regular bail by the learned court below itself and there is no specific allegation against her, she is lady and, as such, **the petitioner no.3 (Pushpa Kumari Soni) in the event of her arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 learned Chief Judicial Magistrate, Patna, in connection with Patliputra P.S. Case No. 301 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.**

So far as the **petitioner nos. 1 (Devanand Kumar Soni) and petitioner no. 2 (Kanahiya Kumar Soni)** are concerned they are sons of the informant and they have committed such crime against their mother and, as such, **I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected.**

However, in case and if so advised the petitioners surrender and seek regular bail then their prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J)

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