

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69279 of 2019

Arising Out of PS. Case No.-336 Year-2018 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Siya Ram Sahani Son of Shiv Lal Sahani Resident of Village- Ghat Bhatra, P.S.- Bisfi, District- Madhubani.
 2. Budhan Sah @ Bidhan Sah Son of Ram Bilash Sah Resident of Village- Ghat Bhatra, P.S.- Bisfi, District- Madhubani.
 3. Muniya Devi Wife of Budhan Sah Resident of Village- Ghat Bhatra, P.S.- Bisfi, District- Madhubani.

... .. Petitioners

Versus

1. The State Of Bihar
2. Sarswati Devi Wife of Dashrath Sah Resident of Village- Ghat Bhatra, P.S.- Bisfi, District- Madhubani.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr.Gagan Deo Yadav
For the Opposite Parties : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with
Complaint case No. 336 of 2018 instituted for the offence
under Section(s) 341, 323, 324, 379, 380, 427, 449, 452,
354(B) and Section 3/4 of the Dayan Act and I.T. Act.

It is submitted that Annexure-2 to the bail petition, which
is a complaint filed by one of the –accused persons, makes it
abundantly clear that implication of the petitioners in
Complaint Case No. 336 of 2018 is, as a result of counter blast



to the earlier case. Petitioners' counsel further submits that they have falsely been implicated in the instant case on extraneous consideration. The Statement of Dashrath Sah, husband of complainant, recorded U/s 202 Cr.P.C., makes it clear that he was not present at the time of occurrence though in the FIR it is alleged that he was there. Petitioner No.3 is also a lady and *per se* entitled to consideration on this aspect also.

Prior to the instant case, the petitioners No. 2 and 3 have been implicated in other cases also at the instance of the daughter of Dashrath Sah. The petitioner No.1 has no criminal antecedents.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **ACJM, Benipatti, Madhubani**, in connection with **Complaint case No. 336 of 2018**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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