

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36753 of 2020**

Arising Out of PS. Case No.-13 Year-2016 Thana- MANIYARI District- Muzaffarpur

1. SHIVJEE SAH, son of Late Laljee Sah Resident of Village-Hari Shankar Maniyari, P.S.-Maniyari, District-Muzaffarpur.
2. SAROJ DEVI W/o Shivjee Sah Resident of Village-Hari Shankar Maniyari, P.S.-Maniyari, District-Muzaffarpur.
3. GUNJAN DEVI alias Gunia Devi, D/o Shivjee Sah Resident of Village-Hari Shankar Maniyari, P.S.-Maniyari, District-Muzaffarpur.
4. SIYAVAR GUPTA Son of Late Dovarika Sah Gupta Resident of Village-Hari Shankar Maniyari, P.S.-Maniyari, District-Muzaffarpur.

... .. Petitioners.

Versus

THE STATE OF BIHAR.

... .. Opposite Party.

**Appearance :**

For the Petitioners : Mr. Yashraj Bardhan, Advocate.  
For the State : Mr. Jharkhandi Upahdyay, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

**ORAL ORDER**

2      30-06-2021      As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 18.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Maniyari P.S. Case No.13 of 2016/Trial No.414 of 2020 registered under Sections 147, 149, 302, 449, 504, 201 and



120B of the Indian Penal Code.

The accusation is that on 28.11.2015 at about 09.30 A.M., the complainant/informant Jai Prakash Sao was at his house. At that time, the petitioners along with some unknown came at the door of the complainant/informant, started to abuse and tried to enter into the house of the complainant/informant. When Sona Devi, the grandmother of the complainant/informant, who was at the door, made protest, then Saroj Devi (petitioner no.2), asked to kill her. Thereafter, Shivjee Sah (petitioner no.1) and Gunjan Devi (petitioner no.3) laid down Sona Devi, the grandmother of the complainant/informant, on the ground, and Siyavar Gupta (petitioner no.4) pressed her chest, whereas the petitioner no.1 pressed her neck, due to which the grandmother of the complainant/ informant died. On reaching the villagers, all fled away from there. Thereafter, the complainant/informant went at the police station to lodge the case but the case was not lodged, then the complainant/informant filed the present Complaint Case No.2040 of 2015 in the court of the Sub Divisional Judicial Magistrate, Muzaffarpur (West), which was sent under Section 156(3) of the Code of Criminal Procedure to the concerned police station for institution of the case on which basis the present case was



lodged.

Learned counsel for the petitioners submits that, in fact, the petitioner no.1 and the petitioner no.2, who are husband and wife respectively, had performed the marriage of their daughter, namely, Rinku Devi, with the complainant/informant of the present case in the year 2005 and due to ill-behaviour of the complainant/informant, Rinku Devi, the daughter of the petitioner nos.1 and 2, filed Complaint Case No.1066 of 2010 against the complainant/informant of the present case, due to that reason, only to put undue pressure, the complainant/informant falsely implicated the petitioner nos.1 and 2 taking the advantage of the death of his grandmother, who was old aged. Further submission is that in Complaint Case No.1066 of 2010 filed by Rinku Devi against the complainant/informant and others, the petitioner no.3, the daughter of the petitioner nos.1 and 2, and the petitioner no.4, who was the mediator of the marriage, are the witnesses, due to that reason, they have also been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Mahendra Mishra, Judicial Magistrate, Muzaffarpur, in connection with Maniyari P.S. case No.13 of 2016/Trial No.414 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

**(Rajendra Kumar Mishra, J)**

P.S./-

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