

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39456 of 2021

Arising Out of PS. Case No.-321 Year-2020 Thana- DARIYAPUR District- Saran

1. LALITA DEVI Wife of Amavash Sahni Resident of Village- Sumerpatti, Pokharipar, P.S.- Dariapur, District- Saran.
2. Mamta Devi Wife of Kamlesh Sahni Resident of Village- Sumerpatti, Pokharipar, P.S.- Dariapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate
For the Informant	:	Mr. Ajay Kumar Singh No. 1, Advocate
For the Opposite Party/s	:	Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-06-2022 Heard learned counsel for the petitioners, the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 324, 325, 307 and 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are women and are persons with clean antecedent.

The informant alleges that petitioners in association with co-accused are alleged to have assaulted the husband and son of the informant as a result of which the husband of the informant died during the course of treatment.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and



petitioner no. 1 is the Bhabhi and petitioner no. 2 is the niece of the deceased. Learned counsel further submits that no such occurrence as alleged ever took place and the allegation against the petitioners is general and omnibus in nature and the present complaint out of which the present FIR arises was filed after an inordinate delay of three months of the occurrence which creates serious doubt with regard to the genuineness of the allegation as alleged in the FIR. Learned counsel also submits that co-accused Amavash Sahni and Faguni Sahni, who are own brother and nephew of the deceased, have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 11.04.2022 passed in Cr. Misc. No. 42116 of 2021.

Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that the present petitioners are similarly situated like Amavash Sahni and Faguni Sahni and there was an inordinate delay in instituting the complaint as submitted aforesaid.

Considering the submissions made by the learned counsel for the petitioners and the fact the co-accused have been granted anticipatory bail, the petitioners above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dariapur P.S. Case No. 321 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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