

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43558 of 2023**

Arising Out of PS. Case No.-165 Year-2022 Thana- BHAWANIPUR District- Purnia

1. GAYATRI DEVI Wife of Ramdeo Sahni Resident of village-Thalha, Police Station-Beldour, District-Khagaria
2. ANIL SAHANI Son of Ramdeo Sahni Resident of village-Thalha, Police Station-Beldour, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sudhir Kumar Thakur, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      05-10-2023              Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

3. Allegedly, petitioners along with other co-accused are said to have committed murder of the informant's sister. It is further alleged that the husband of the deceased was died 9-10 years ago.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Petitioner are mother-in-law and *Bhaisur* of the



deceased, respectively. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to dirty village politics. The allegation levelled against the petitioners is totally false and based on concocted facts. There is no eye-witness in the present case. They have been made accused in the present case merely on the basis of the confessional statement of co-accused Sajjan Kumar, Rupesh Kumar and Suraj Kumar. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and relies upon the judgment of ***Indresh Kumar v/s. The State of UP & Anr.*** passed in Criminal Appeal No. 938 of 2022 in which it is stated statements under Section 161 of Cr.P.C. may not be admissible in evidence, but are relevant in considering the prima facie case against an accused in an application for grant of bail in case of grave offence.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner no.1, let the above named petitioner no.1, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two



sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bhawanipur (Balua O.P.) P.S. Case No. 165 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. As there is sufficient material on record to indicate the complicity of petitioner no.2 in the present case, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for bail of the petitioner no.2 is hereby rejected.

8. Accordingly, this application stands partly allowed.

**(Anjani Kumar Sharan, J)**

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