

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44156 of 2023

Arising Out of PS. Case No.-485 Year-2022 Thana- DESARI District- Vaishali

1. SANJAY PASWAN Son of Harilal Paswan Resident of village - Talha Mumsaei, P.S. - Desari (Sahdei O.P.), Distt. - Vaishali
2. Kiran Devi Wife of Sanjay Paswan Resident of village - Talha Mumsaei, P.S. - Desari (Sahdei O.P.), Distt. - Vaishali
3. Sheela Devi Wife of Dinesh Paswan Resident of village - Talha Mumsaei, P.S. - Desari (Sahdei O.P.), Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-08-2023 1. 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 and 120(B) of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner nos. 2 and 3 are women.

4. The informant alleges that his sister was married to Shambhu Paswan and on 15.11.2022, he received an information that accused persons assaulted his sister by an iron



rod on head and strangled her to death and were cremating the dead body with help of 4-5 unknown persons accordingly, he reached the place of occurrence when accused persons started fleeing but her father-in-law was apprehended who disclosed that they killed his sister as she was not a good lady.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that husband is not an accused. It is also submitted that the husband of the deceased, after partition, was residing separately from the family, it is next submitted that petitioner no. 1 is elder brother-in-law of the deceased and petitioner nos. 2 and 3 are sister-in-laws (*Gotni*) of the deceased. It is next submitted that father-in-law and mother-in-law are in custody. It is next submitted that from perusal of *Annexure-2*, it would manifest that the informant on coming to know that the case was instituted under mistake of fact, as such has also filed an application before the learned Trial Court that the petitioners are innocent and have not committed the occurrence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Desari (Sahdei O.P.) P.S. Case No. 485 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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