

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44056 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- CHAPRA TOWN District- Saran

1. SHYAMA DEVI Wife of Mohan Pandey Resident of MIG 6MF 3/108, Bhootnath Road, Bahadurpur Housing Colony, P.S- Agamkuan, Dist- Patna
2. Anil Kumar Pandey Son of Late Mohan Pandey Resident of MIG 6MF 3/108, Bhootnath Road, Bahadurpur Housing Colony, P.S- Agamkuan, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-02-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks.

The petitioners are apprehending their arrest in a case
registered for the offence punishable under Sections 148, 149,
323, 380, 452 and 498(A)34 of the Indian Penal Code pending
in the learned court below.

Learned counsel for the petitioners submits that the
petitioners are innocent and have been falsely implicated in this
case. He further submits that there is specific overt act against
the petitioner no.1 Anil Kumar Pandey. He further submits that



there is no specific overt act against the petitioner no.2 and petitioner no.2 is a lady. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that there is specific overt act against the petitioner no.2 Anil Kumar Pandey that after the death of the husband of the informant he tried to marry with the informant and pressurize her to transfer the flat (which was purchased by the husband of the informant) and also pressurized to deposit the money, deposited in the bank account of her late husband, in the account of the petitioners. Hence, they do not deserve anticipatory bail.

Considering the facts and circumstances of the case there is specific overt act against the petitioner no.2, I am not inclined to enlarge the petitioner no.2 on bail in connection with Chapra Town P.S. Case No. 05 of 2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

Insofar as the petitioner no.1 is concerned, there is no specific overt act against the petitioner no.1 and petitioner no.1 is a lady, let the petitioner no.1, named above, in the event of her arrest/surrender before the learned court below within a period



of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Chapra P.S. Case No.05/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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