

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53489 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- SANJHOLI District- Rohtas

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1. SUMITRA DEVI W/o- VIJAY KUMAR SINGH Village- Basaura Ward No-5, PS- Sanjhauli Dist- Rohtas
 2. SUNIL KUMAR @ SUNIL MAHTO son of Vijay Kumar Singh @ Saheb Mahto Village- Basaura Ward no-5, PS- Sanjhauli Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 23-08-2023 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no.2, to enable him to surrender before the learned Trial Court, within a period of four weeks from today and avail the privilege of bail.

Accordingly, the present petition qua the petitioner no.2, stands dismissed as not pressed.

Heard the learned counsel for the petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Sanjhauli P.S. Case No.29 of 2023, registered for offences under



Sections 302, 201 and 34 of the Indian Penal Code.

The allegation is regarding the daughter of the informant, who is wife of petitioner no.2, having informed her father i.e. the informant of the present case, by her mobile phone on 01.03.2023, at about 6 a.m. in the morning that her husband is assaulting her, whereafter the informant and his family members had gone to the matrimonial house of his daughter, however they had found the door of the house locked and when the informant had asked the neighbors about the whereabouts of his daughter, they told him that they had gone to Dr. Shukla Clinic, however, when they had gone to the clinic of Dr. Shukla, they were informed that since the patient was serious, he had advised them to take the patient to Ghopanpur Hospital. It is further alleged that the informant had then gone to the Ghopanpur Hospital, but could not find her daughter and son-in-law, whereupon search was made and the dead body of the daughter of the informant was found lying in water at Charpurawa Tola.



The learned counsel for the petitioner no.1 has submitted that the petitioner no.1 is innocent, she has been falsely implicated in the present case and she is having a fair antecedent. The learned counsel for the petitioner no.1 has further submitted that the petitioner no.1 is the mother-in-law of the deceased victim lady, however, the allegation is mainly aimed against the petitioner no.2, who is the husband of the deceased victim lady, hence the petitioner no.1 be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the main thrust of allegation is aimed against the petitioner no.2 i.e., the husband of the deceased victim lady, apart from the fact that the petitioner no.1, is an old lady, aged about 63 years



old, who is the mother-in-law of the deceased victim lady, I deem it fit and proper to admit the petitioner no.1, to the privilege of anticipatory bail.

Accordingly, the above named petitioner no.1, is directed to be enlarged on anticipatory bail, in the event of her arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bikramganj, Rohtas, in connection with Sanjhauli P.S. Case No.29 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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