

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53065 of 2022

Arising Out of PS. Case No.-52 Year-2018 Thana- MAHILA P.S. District- Saharsa

1. Ram Chandra Sahni @ Ramchandra Prasad S/o Late Jaykant Sahni
 2. Bitto Devi @ Byuti Devi D/o Late Jaykant Sahni
 3. Girija Devi W/o Late Jaykant Sahni
 4. Vijay Sahni S/o Asarfi Sahni
 5. Vilas Sahni S/o Asarfi Sahni
- All 1 to 5 are R/o village- Sulindabad, P.S.- Saharsa Sadar, District- Saharsa
6. Jagadish Mukhiya S/o Late Neno Mukhiya R/o village- Balha, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Saharsa Mahila P.S. Case No. 52 of 2018 instituted under Sections 376, 313, 323, 504, 506/34 of the Indian Penal Code.

As per the prosecution story, the informant has alleged that the accused made physical relationship with her and when he came to know about the pregnancy, assuring her of marriage, they planned for miscarriage. However, she went to her mother and narrated the incident and the case was lodged,



whereafter she was sent to Madhepura Remand Home. Later, they forcefully miscarried her pregnancy and then tortured. Accordingly, the FIR was lodged in 2018.

The fact remains that the matter relates to 2018 and in that background, so far as the prayer for anticipatory bail of petitioner Nos. 1, 4 and 5 namely, Ram Chandra Sahni, Vijay Sahni and Vilas Sahni are concerned, this Court is not inclined to grant them relief and accordingly, the same is rejected.

So far as the petitioner No.2, Bitto Devi, petitioner No. 3, Girija Devi are concerned, they are ladies, do not have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail.

Again, so far as the petitioner No. 6, Jagadish Mukhiya is concerned, an aged person of 73 years and do not have criminal antecedent, this Court is again inclined to grant him relief.

Let the petitioner No.2, Bitto Devi, petitioner No. 3, Girija Devi, petitioner No. 6, Jagadish Mukhiya be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in



connection with Saharsa Mahila P.S. Case No. 52 of 2018 to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the petitioner No. 1, 4 and 5 namely, Ram Chandra Sahni, Vijay Sahni and Vilas Sahni are concerned, if they surrender within four weeks from today before the concerned court and file bail petition along with relevant documents, the court shall take into account the factors and dispose of the same expeditiously without doing prejudice by observation of this Court.

(Rajiv Roy, J)

Prakash Narayan/
Ajay Singh/-

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