

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79148 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- DAGARUA District- Purnia

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1. Sanjay Vishwas @ Sanjay Kumar Vishwas Son Of Nagendra Vishwas Resient Of Rampur Chatra, P.S.- Dagarua, District- Purnea
 2. Nilam Devi @ Lilam Devi Wife Of Sanjay Vishwas @ Sanjay Kumar Vishwas Resient Of Rampur Chatra, P.S.- Dagarua, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-12-2023 Heard learned counsel for the petitioners and
learned APP 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. As per the prosecution case, allegation against the petitioners is that they along with co-accused persons have killed the informant's husband.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that



the petitioner no. 1 is step-brother of the deceased and petitioner no. 2 is the wife of petitioner no. 1. He further submits that there is case and counter case between the parties. He also submits that merely on the basis of suspicion, petitioners have been made accused in the present case because there is admitted land dispute between the parties. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against petitioner no. 2 and she is a female, let the above named petitioner no.2, 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) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Dagarua P.S. Case No. 343 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Considering the facts and circumstances of case, I am not inclined to enlarge petitioner no.1 on anticipatory bail.



The prayer for anticipatory bail of the petitioner no. 1 is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order, considering the fact that the petitioner has no criminal antecedent and there is admitted land dispute between the parties and postmortem report has not supported the prosecution case.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

anand/-

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