

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16248 of 2024

Arising Out of PS. Case No.-141 Year-2022 Thana- MADANPUR District- Aurangabad

1. Sarita Devi W/o Dinesh Sharma @ Badku Mistri @ Dineshwar Sharma R/o vill- Parariya (Padaiya), P.s. - Madanpur, Dist. - Aurangabad
2. Bebi Kumari @ Shalu Kumari @ Baby Kumari @ Salu Kumari D/o Dinesh Sharma @ Badku Mistri @ Dineshwar Sharma R/o vill- Parariya (Padaiya), P.s. - Madanpur, Dist. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. Earlier the anticipatory bail application of the petitioners was rejected by this Court vide order dated 28.09.2022 in Cr. Misc. No. 36191 of 2022. Now, they have renewed their prayer for anticipatory bail.

3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

4. Allegedly, all the accused persons including the petitioners are said to have committed murder of the informant's daughter. The deceased was also six months pregnant at the time



of occurrence.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and they have committed no offence. No such occurrence as alleged has ever taken place. Petitioner no.1 is the wife of Badhku Mistri, who is uncle of co-accused Himanshu Kumar Sharma and petitioner no.2 is unmarried daughter of petitioner no.1. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They are separate in mess and business with the husband of the deceased. It is further submitted that the similarly situated co-accused have been granted anticipatory bail vide order dated 03.11.2023 in Cr. Misc. No. 71089 of 2023 on the second attempt for anticipatory bail. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

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

6. Having regard to the facts and circumstances of the case, as petitioner no2. is unmarried *nanad* of the deceased, 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 lower Court where the case is pending/successor Court in connection with Madanpur P.S. Case No. 141 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, considering the nature of the offence, I am not inclined to enlarge petitioner no.1 on bail. The prayer for bail of the petitioner no.1 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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