

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20460 of 2024

Arising Out of PS. Case No.-275 Year-2023 Thana- MAHNAR District- Vaishali

1. Pramod Sahni @ Pramod Kumar Sahni Son of Shitab Lal Sahni Resident of Village- Mahmadpur, Police Station- Mahnar, District- Vaishali
2. Sunita Devi W/o Pramod Sahni @ Pramod Kumar Sahni Resident of Village- Mahmadpur, Police Station- Mahnar, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Sweety Sinha, Advocate Dr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar, APP
For the informant	:	Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard Mrs. Sweety Sinha as also Dr. Manoj Kumar learned counsel for the petitioner, Mr. Binod Kumar No.3, learned counsel for the State as also Mr. Anil Kumar, learned counsel for the informant.

2. The petitioners are apprehending arrest in connection with Mahnar P.S. Case No. 275 of 2023 instituted under Sections 323, 341, 324, 379, 307/34 of the Indian Penal Code lodged on 25.9.2023 by the informant, Jageshwar Sahni.

3. As per the prosecution story, the informant alleged that when he was going to take a bath, heard noise and came out side found the accused persons abusing Reeta Devi (daughter) as also Surya Devi (daughter-in-law). Upon objecting to the said



abuse, the petitioner no.1 Pramod Sahni attacked Reeta Devi and Surya Devi with sword causing injury on the head, when he tried to snatch the sword, the hand was also injured. Further allegation against Sunita Devi, petitioner no.2 is of attacking informant's brother, Baleshwar Sahni causing injury. The allegation is of snatching Mangalsutra and gold chain. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that so far as the allegation against the petitioner no.2, Sunita Devi of assaulting the informant's brother, Baleshwar Sahni is concerned, the same has been found to be simple in nature. The further allegation is that there is case and counter case. The petitioners' side have also suffered injuries and the petitioner no.2 has lodged FIR in this regard.

5. Learned APP as also learned counsel for the informant submit that a bare perusal of learned Sessions Judge's order would show that the injury inflicted by the petitioner no.1, Pramod Sahni to the daughter-in-law has been found to be grievous in nature.

6. Considering the aforesaid facts so far as petitioner no.1, Pramod Sahni is concerned, his anticipatory bail application stands rejected.



7. Regarding the petitioner No. 2, Sunita Devi though the allegation of assault on the head of the informant's brother is there, she is a lady, injury has been found to be simple in nature, she do not have criminal antecedent, this Court is inclined to extend her privilege of anticipatory bail.

8. Let the petitioner no. 2, Sunita Devi be released on bail, in the event of her 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) with two sureties of the like amount each in connection with Mahnar P.S. Case No. 275 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Hajipur at Vaishali subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner no.2 who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2, Sunita Devi shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner no. 2, Sunita Devi shall co-operate



in the investigation and make herself available to the police as
and when required;

(iv) the petitioner no. 2, Sunita Devi shall in no way
try to induce or promise or threat the witnesses or tamper with
the evidences, failing which the State shall be at liberty to take
steps for cancellation of the bail bonds;

(v) the petitioner no. 2, Sunita Devi shall desist from
committing any criminal offence again, failing which the State
shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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