

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59984 of 2024

Arising Out of PS. Case No.-548 Year-2023 Thana- PAROO District- Muzaffarpur

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Devlal Sahani S/O Majhil Sahani Resident of Village- Purainiya, P.S.-
Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha
For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 363, 365 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner has been falsely implicated in the instant case by
the informant who is daughter-in-law. It is submitted that
informant was married to the son of the petitioner in the year
2014 and out of the wedlock, two children were born but then
the son of the petitioner died in the year 2021 leaving behind the
informant and his two children. It is next submitted that the
informant without informing the petitioner performed her
second marriage and started staying in Delhi with her husband.



It is next submitted that the informant had come to her parental home when petitioner went to meet her and it was decided that grandson of the petitioner shall stay with him and the grand daughter for the time being will stay with the informant as she was below five years. It is next submitted that in terms of the decision taken that the grandson of the petitioner started staying with the petitioner, but thereafter the instant false FIR came to be instituted. At this stage, the learned APP submits that the offences for which the instant FIR has been instituted carries punishment of seven years and the said submission of the learned APP is not disputed by the learned counsel appearing on behalf of the petitioner. The learned counsel appearing on behalf of the petitioner further submits that investigation in the case is still continuing but then the petitioner has not been given the benefit of Section 41A of the Cr.P.C. on which the learned APP submits that the case be disposed of in terms of order dated 13.02.2024 in Cr. Misc. No. 3536 of 2024 (**Nausad Ansari vs. The State of Bihar**).

4. In view of the submissions made by the learned APP, the anticipatory bail application is disposed of in terms of order dated 13.02.2024 in Cr. Misc. No. 3536 of 2024 (**Nausad Ansari vs. The State of Bihar**).

5. The petitioners would be at liberty to file a



representation before the concerned Superintendent of Police and the Investigating Officer of the case within a period of three weeks from today with a web copy of the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs. the state of Bihar) and the concerned Superintendent of Police shall ensure that the Investigating Officer of the case strictly adheres to the directions contained in the order dated 13-2-2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari vs. The State of Bihar).

(Satyavrat Verma, J.)

Sudhanshu/-

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