

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63862 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Sarita Devi W/o Dipak Kumar Chauhan, D/o Heera Lal Sah Resident of Mohalla - Ratanpura Ahir Toli, P.S- Bhagwan Bazar, Distt. - Saran. Presently Residing at vill - Bishunpura, P.s. - jalalpur, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra

For the Opposite Party/s : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 05-10-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 1633 of 2022, later on, by order of the Court, an FIR has been instituted *vide* Bhagwan Bazar Police Station Case No. 93 of 2023 dated 14.03.2023, disclosing offences under Sections 323, 311, 327, 302, 120(B) of the Indian Penal Code.
3. As per the Complainant-cum-First Information Report lodged on 06.06.2022, on 27.05.2022, the petitioner came to the house of the complainant/informant with a child and claimed that the child has born out with the informant's son Deepak Kumar. When the informant asked about the



whereabouts of Sarita Devi and her son, she abused and assaulted the informant. It has further been alleged that Deepak Kumar is missing since November, 2021, and there is no information that he is alive or dead.

4. Learned Counsel for the petitioner submits that a false and concocted case has been lodged against the petitioner in order to save her son from paying, the maintenance in favour of the petitioner who happens to be the wife of the Deepak Kumar. Referring to the statement made in the Complaint-cum-FIR, learned counsel submits that it is specific case of the informant that Deepak Kumar is missing since 2021. Learned counsel further submits that in fact Deepak Kumar is earning his livelihood in Punjab and a false case under Section 302 has been registered against the petitioner who is daughter-in-law of the complainant/informant.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation made in the FIR, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra, in connection with Bhagwan Bazar Police Station Case No. 93 of 2023 dated 14.03.2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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