

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64042 of 2024

Arising Out of PS. Case No.-797 Year-2024 Thana- PHULWARISHARIF District- Patna

Sihanta Devi @ Rani Devi Wife of Sunil Paswan R/o- Jai Hind Colony
Ranipur, P.S.- Phulwarisharif, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 205-10-2024
1.

Heard learned Counsel for the petitioner and learned APP for the State.
2.

This application, for grant of anticipatory bail, arises out of Phulwarisharif PS case no. 797 of 2024, disclosing offences punishable under Section 302 and other allied sections of the Indian Penal Code and Section 27 of Arms Act.
3.

The prosecution story, as per the First Information Report, is that when the informant’s family members had gathered for settling the dispute in an orchard, adjacent to the house of informant, co-accused Sunil Paswan started abusing the husband of the informant and wife of Sunil Paswan (petitioner) rushed inside her house, brought fire-arms and gave it to her sons namely Aman Paswan and Sunny Paswan (co-accused). On the order of co-accused Sunil Paswan,



petitioner's sons Aman Paswan and Sunny Paswan shot at Abhishek Kumar and Mangaru Paswan but bullet did not hit Abhishek Kumar, however Mangaru Paswan sustained bullet injury. Thereafter, co-accused Vishal Paswan and Vikas Paswan, on the order of their father Nokha Paswan, fired upon the informant's husband Mangaru Paswan, due to which, he died. Sunny Paswan snatched the licensee weapon of the deceased from his waist. The allegation against the petitioner is that she brought the firearms and handed it over to her sons namely Aman Paswan and Sunny Paswan.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case along with entire family members only because she happens to be the wife of co-accused Sunil Paswan, on whose order, co-accused Aman Paswan and Sunny Paswan allegedly fired upon the informant's husband. Learned counsel further submits that there is specific allegation of firing upon the co-accused persons and the husband of the petitioner Sunil Paswan, who has been made an order giver, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 30.08.2024, passed in Cr. Misc. No. 61675 of 2024.

5. On the other hand, learned counsel for the



informant vehemently opposed the prayer for bail and submits that had the weapons were not handed over by the petitioner to her sons, they would not have fired upon the informant's husband. He further submits that co-accused Sunil Paswan was granted anticipatory bail on the basis of defect in his eye sight. He also submits that during course of investigation, witnesses have supported the allegation and in CCTV footage, they have been seen running here and there having arms in their hands.

6. Having regard to the facts and circumstances of the case and taking into consideration the nature of allegation levelled against the petitioner as also the fact that co-accused and petitioner's husband has been granted anticipatory bail by a co-ordinate Bench of this Court and petitioner is a lady, I am inclined to grant the privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let petitioner, abovenamed, in the event of her arrest or surrender before the Court below within six 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 A.C.J.M.-XIV, Patna, in connection with Phulwarisharif PS case no. 797 of 2024, subject to the condition



laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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