

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66880 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- VAISHALI District- Vaishali

Ajay Sah @ Ajay Kumar Sah S/o- Late Bhuihotan Sah Vill- Rampur Jurawan,
P.S.- Vaishali, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 68533 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- VAISHALI District- Vaishali

Rinki Devi Wife of Ajay Sah Resident of Village - Rampur Jurawan, P.S. -
Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 66880 of 2024)
For the Petitioner/s : Mr. Aniket Singh, Advocate
For the State : Mr. Nirmal Kumar Sinha, APP
For the Informant : Mr. Awadhesh Kumar Singh, Advocate
(In CRIMINAL MISCELLANEOUS No. 68533 of 2024)
For the Petitioner/s : Mr. Aniket Singh, Advocate
For the State : Mr. Raj Ballabh Singh, APP
For the Informant : Mr. Awadhesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-12-2024 Since both the petitions arise out of Vaishali P.S. Case

No. 103 of 2024, as such, they have been taken up together and

are being disposed of by this common order.

2. Heard learned counsel for the petitioners and

learned A.P.P. for the State as well as learned counsel for the

informant.



3. In this case, the petitioners are apprehending their arrest in connection with Vaishali P.S. Case No. 103 of 2024, registered for the offences under Sections 364, 302 and 201/34 of the Indian Penal Code.

4. As per prosecution case, the sister of the informant was married with co-accused Sanjay Sah who used to assault and torture her. The informant received information about petitioners and co-accused persons killing his sister and causing disappearance of her dead body.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners are the brother-in-law and sister-in-law, respectively of the sister of the informant and they have no concern with the family life of the sister of the informant and her husband. From the FIR, it is apparent that the informant is not an eye-witness. Even the daughter of the sister of the informant has filed an informatory petition before the Vaishali Police on 19.03.2024 stating therein that her mother disappeared in the middle of the night with her jewellery and cash of Rs. 25,000/- and she has gone trace-less. Learned counsel further submits that there is division between the brothers of the petitioner Ajay Sah and they have their separate living



arrangements. The petitioners stay outside to earn their livelihood. Marriage has been solemnized 20 years ago and the petitioners have been falsely implicated in this case with this false allegations without any motive or reasons. The petitioners are having clean antecedent.

6. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that there is direct allegation against the petitioners and other co-accused persons for killing the sister of the informant. Learned APP, however, concedes that the witnesses examined during investigation have not stated anything about the petitioners.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general, vague and doubtful nature of allegation against the petitioners and also considering the clean antecedent of the petitioners coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate-1st Class, Vaishali at Hajipur/court concerned in connection with Vaishali P.S. Case No. 103 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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