

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37453 of 2025

Arising Out of PS. Case No.-17 Year-2024 Thana- SHAMBHUGANJ District- Banka

1. Jageshwar Sah S/O Ganeshi Sah R/O Village- Khangah, PO- Kashba, PS- Shambhuganj, District- Banka
2. Pinki Devi W/O Jageshwar Sah R/O Village- Khangah, PO- Kashba, PS- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40635 of 2025

Arising Out of PS. Case No.-17 Year-2024 Thana- SHAMBHUGANJ District- Banka

1. Dharmendra Sah @ Dharmendra Kumar Sah S/O Arup Sah R/O Village- Saraha, P.S- Shahkund, Distt.- Bhagalpur.
2. Sunita Devi W/O Dharmendra Sah @ Dharmendra Kumar Sah R/O Village- Saraha, P.S- Shahkund, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37453 of 2025)

For the Petitioner/s : Ms. Geeta Kumari Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 40635 of 2025)

For the Petitioner/s : Ms. Geeta Kumari Jha, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-09-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Shambhuganj P.S. Case no. 17 of 2024 registered under



sections 341, 364, 364A, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant, who happens to be the grand father of the husband of one Sango Kumari states that her parents not being happy with their daughter having married the grandson of the informant, on their daughter giving birth took away the child and he has not been recovered.

4. Learned counsel for the petitioners submits that the petitioners Jageshwar Sah and Pinki Devi happen to be the parents of Sango Kumari, while the petitioners Dharmendra Sah and Sunita Devi are the co-villagers. It is further submitted that it was Pinki Devi who had lodged the case against the members of the informant's family on 5.5.2022 and in retaliation thereto the instant FIR has been registered. The allegations levelled are false and concocted and, in fact, in her statement under section 161 Cr.P.C., Sango Kumari has stated that she had given birth to a still born girl child. There is contradiction in her statement under sections 161 Cr.P.C. and 164 Cr.P.C.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State, who in reference to the statement of Sango Kumari under section 164 Cr.P.C., submits that she has



categorically stated therein that it was her co-villager Sunita Devi who was issueless and has taken away her new born child.

6. Having heard learned counsel for the parties and taking into consideration the allegation against Sunita Devi, the Court is not inclined to enlarge her on anticipatory bail and the application is rejected.

7. The petitioner Sunita Devi is directed to surrender in the learned Court below within a period of four weeks.

8. In the facts and circumstances of the case, taking into consideration the allegation in the FIR, the material that has transpired in course of investigation and there being no direct material against the other three petitioners, it is directed that the petitioners Jageshwar Sah, Pinki Devi and Dharmendra Sah, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Shambhuganj P.S. Case no. 17 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka.

(Partha Sarthy, J)

saauravkrsinha/-

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