

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37295 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- MUSRIGHRARI District- Samastipur

1. Sitaram Sahni @ Sitaram Sahani @ Sitaram Saha S/O Late Swarupi Sahni R/O Village- Latwasepura Chainpur Tola, PS- Musrigharari, Distt-Samastipur
2. Anita Devi W/O Sitaram Sahni @ Sitaram Sahani @ Sitaram Saha R/O Village- Latwasepura Chainpur Tola, PS- Musrigharari, Distt-Samastipur
3. Naresh Kumar @ Naresh Kumar Sahani S/O Sitaram Sahni @ Sitaram Sahani @ Sitaram Saha R/O Village- Latwasepura Chainpur Tola, PS- Musrigharari, Distt-Samastipur
4. Kamini Devi D/O Sitaram Sahni @ Sitaram Sahani @ Sitaram Saha R/O Village- Latwasepura Chainpur Tola, PS- Musrigharari, Distt-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshansh Shanker, Adv.

For the Opposite Party/s : Mr. agenda Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-06-2025 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Musrigharari P.S. Case No. 25 of 2025 for the offence registered under sections 103(1), 3(5) of BNS lodged on 27.02.2025 by the informant, Indradev Sahani.

3. As per the prosecution story, the informant alleged that his daughter was married to Ram Pravesh Sahni in the year 2010, blessed with three children. However, the father-in-law (petitioner no. 1) gifted a piece of land to his younger son



(petitioner no. 3) which was objected by the deceased and the allegation is that she was subsequently strangled by the in-laws. This led to the FIR.

4. Learned Counsel for the petitioners submit that the entire family members minus the husband have been implicated. The fact remains that they were leading a happy married life, a piece of land was alienated in favour of the younger son, infuriated, she took the extreme step of committing suicide. This can be reflected from the fact that the death took place on 18.02.2025 whereas the FIR has been lodged on 27.02.2025, in between, they participated in all the rituals as also were present when the mortal remains were consigned to the flames. He has taken this Court to the learned Sessions Judge order to show that the cause of death has been recorded as *asphyxia* due to hanging.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the allegation is that she was strangled due to the dispute relating to alienation of a piece of land in favour of the petitioner no. 3 by the petitioner no. 1.

6. Taking into account the submissions of the parties as also the fact that an unfortunate incident has taken place, the



lady is no more, the fact remains that the learned Sessions Judge order shows that the cause of death is *asphyxia* due to hanging. The alleged death has taken place on 18.02.2025 whereas the FIR has been lodged on 27.02.2025. The husband has not been made an accused.

7. Considering all the aforesaid facts including the fact that two of the petitioners, namely, Anita Devi (petitioner no. 2) and Kamini Devi (petitioner no. 4) respectively are ladies having no criminal antecedent, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Musrigharari P.S. Case No. 25 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. Nothing recorded in the order shall be taken into consideration in course of trial as the same has been considered only for the purpose of grant of anticipatory bail.

(Rajiv Roy, J)

Vijay Singh/-

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