

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52203 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- WARISNAGAR District- Samastipur

1. Raso Devi Wife of Lalo Sahani Resident of Village - Kasor (Kashaur), P.S.- Warisnagar, District - Samastipur (Bihar).
 2. Lalo Sahani Son of Late Yugeshwar @ Yogeshwar Sahani Resident of Village - Kasor (Kashaur), P.S.- Warisnagar, District - Samastipur (Bihar).
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Vinay Kumar Mishra
For the Opposite Party/s	:	Mr.Gauri Shankar Gupta
For the Informant	:	Mr. Amar Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 07-02-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Warisnagar P.S. Case No. 59/2024 dated 26.02.2024 registered for the offence punishable u/s 302 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the co-accused, Mukesh Sahni came to the house of the informant and started abusing the informant's father. On hearing this, the informant and his family members came out of their house and saw that the petitioners and the co-accused persons holding deadly weapons came to the door of the informant. Thereafter, the co-accused person, Sonelal Sahni and the petitioner no. 2 Lalo



Sahni exhorted to kill, in the meantime, the co-accused Mukesh Sahni assaulted the informant's father with an iron rod, causing head injury. Further, the petitioners and the co-accused persons assaulted the informant's father with *lathi-danda* and when the villagers gathered, they fled away. Further, the villagers called the rural doctor who declared the informant's father dead.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 1 is a lady. The other co-accused persons have already been granted bail by this court *vide* order dated 04.09.2024 passed in Cr. Misc. No. 46267/2024. Learned counsel has submitted that the specific allegation of assault is against the co-accused, Mukesh Sahni. The petitioner no.1 has clean antecedent whereas the petitioner no. 2 is accused in three other criminal cases as stated in para 2 of the Supplementary Affidavit.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners by submitting that the petitioner no. 2 is an order giver.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner no. 1, namely, Raso Devi, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing



bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Samastipur, in connection with Warisnagar P.S. Case No. 59/2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed with regard to the petitioner no. 1, namely, Raso Devi.

8. So far as, the petitioner no. 2, namely, Lalo Sahani is concerned, considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner no. 2, I am of the view that no case for grant of anticipatory bail is made out. The petition is rejected and the petitioner no. 2 is directed to surrender to the Court below within six weeks from the date of this order and the Court below may consider the prayer of the bail of the petitioner no. 2 in accordance with law and on its own merits without being prejudice by this order.

9. Accordingly, the application regarding the petitioner no. 2, namely, Lalo Sahani stands rejected.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

