

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76201 of 2024

Arising Out of PS. Case No.-280 Year-2024 Thana- JAKKANPUR District- Patna

1. Manju Sinha Wife of Manoranjan Kumar Sinha R/o Mohalla - Jaiprakash Nagar, P.S. - Jakkanpur, Distt.- Patna
2. Priyanshu Kumar S/o Manoranjan Kumar Sinha R/o Mohalla - Jaiprakash Nagar, P.S. - Jakkanpur, Distt.- Patna
3. Nikhil Kumar S/o Manoranjan Kumar Sinha R/o Mohalla - Jaiprakash Nagar, P.S. - Jakkanpur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Raj, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 17-01-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 385, 302 and 504/34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is wife of Manoranjan Kumar Sinha while petitioner no. 2 and 3 are sons of petitioner no. 1. It is further submitted that name of the deceased was Niranjan Kumar Sinha who was own brother of Manoranjan Kumar Sinha.



4. Learned counsel for the petitioners next submits that informant alleges that his mother was doing some work on the terrace on 20.05.2024, when his grandmother (Bachi Devi) came on the terrace and started abusing his mother and said to vacate the house on which his mother said that house has been partitioned, hence, both of her (Bachchi Devi's) sons will live in the house on which Bachchi Devi said that only Manoranjan Kumar Sinha will stay in the house and if you intend to stay in the house with your family then you will have to pay an amount of Rs.50 lakhs thereafter Bachchi Devi dashed his mother on the ground of the terrace by catching her hair. Further, the father of the informant came and tried to reason out with his mother i.e. Bachchi Devi but Bachchi Devi even abused him thereafter it is alleged that Manoranjan, Manju Devi, Priyanshu Kumar and Nikhil came and assaulted the father of the informant by fist causing internal injury and his father was taken to PMCH where he was declared brought dead on 20.05.2024.

5. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant has implicated the entire family members including his grandmother. It is further submitted that Bachchi Devi had approached this Court seeking anticipatory



bail by filing Cr. Misc. No. 63696 of 2024 and the same was allowed by an order dated 10.09.2024 (Annexure-P/4). It is next submitted that while granting anticipatory bail to Bachchi Devi, this Court had considered the case on merits and in detail. It is also submitted that father of the informant was having kidney issues. It is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that all the accused persons assaulted his father by fist causing internal injury but then from perusal of the order impugned, it would manifest that the Doctor has found the cause of death as cranio cerebral damage and its complication from head injury resulting from blunt force impact. It is further submitted that by assaulting anyone by fist cranio cerebral damage will not take place, further there is no external injury on the body of the deceased.

6. Learned counsel for the petitioners next submits that since there was an admitted dispute relating to property between the deceased and the husband of the petitioner no. 1 who were own brothers and Bachchi Devi was siding with the husband of the petitioner no. 1 as he was a weak child, as such, an altercation had taken place in the family but then none of the family members assaulted the deceased or else the postmortem



report would have recorded some external injury. It is further submitted that informant in order to coerce the family into submission with a view to usurp the property falsely instituted the case. It is next submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that no external injury was found in the postmortem report nor the cause of death gets corroborated by the nature of assault as alleged in the FIR.

8. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jakkanpur P.S. Case No. 280 of 2024, subject to the conditions



as laid down under Section 438 (2) of the Cr.P.C.

9. However, if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

(Satyavrat Verma, J)

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