

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8333 of 2015

Arising Out of PS.Case No. -131 Year- 2006 Thana -KATEYA District- GOPALGANJ

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1. NANDLAL SAHNI SON OF LATE RAM SWAROOP MALLAH
 2. MUNDRIKA SAHANI SON OF LATE RAM SWAROOP MALLAH
 3. SURJI DEVI@ MOST. SURJI DEVI WIFE OF LATE RAM SWAROOP MALLAH
 4. VIDYAWATI DEVI WIFE OF MUNDRIKA SAHNI.
 5. DHANESH SAHANI SON OF LATE RAM SWAROOP MALLAH
 6. SANT KUMAR SAHANI @ SANT SAHANI SON OF LATE RAM SWAROOP MALAH
- ALL RESIDENT OF VILLAGE- SAMOGAR, P.S KATEYA, DISTRICT- GOPALGANJ.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Dharamveer, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 30-04-2015 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor.

The Superintendent of Police, Gopalganj is directed to be attentive towards his duty, at least while presiding over crime meeting so that the investigation should not be allowed to keep pending for such long period on one pretext or other. After going through the case diary of Kateya P.S. Case No.131 of 2006, it is apparent that there happens to be no justification for keeping investigation pending of this very case since 2006 and till today, neither the Investigating Officer has cared to take appropriate step against the accused nor seeking their physical appearance nay the investigation has been allowed to come to its logical conclusion. Accordingly, office is directed to serve a copy of the order upon the Superintendent of Police,

Gopalganj so that in any case investigation of instant case should be concluded within three months at his personal surveillance and will report, subsequent thereupon.

Meena Devi deceased who happens to be wife of Sant Sahni has been alleged by the complainant Mahatam Sahni, her brother to have been murdered at her Sasural and during midst thereof, she was subjected to torture on one pretext or other even, on protest at her end over keeping of concubine.

It has been submitted on behalf of petitioners that aforesaid Meena Devi was a lady of bad repute and was accessible to the accused of Kateya P.S. Case No.161 of 2006 (Annexure-2) and on account thereof was divorced by her husband and while spending the vagabond life, she gone leaving behind her four years son. It has also been submitted that during course of investigation, Investigating Officer had collected sumptuous material relating to undesirable character of aforesaid Meena Devi. In the aforesaid background it has also been submitted that she had gone on her own and consequent thereupon, the allegation of complainant that she had already been eliminated has got no truth. So submitted that petitioners be released on an anticipatory bail.

The learned Additional Public Prosecutor opposed the prayer.

Two kinds of versions are there having collected during course of investigation by the Investigating Officer as is

evident from the case diary. However, the crucial aspect happens to be when Menna Devi was divorced by the petitioner/husband Sant Sahni then what was occasion for them to have a counter version that too, from the mouth of Bhabhi of petitioner/husband, namely, Etwariya Devi and that speaks a lot with regard to the conduct of the petitioners.

In the background of aforesaid factual aspect as well as taking the petitioner no.6 Sant Kumar Sahani being the husband, I do not see it a fit case for grant of anticipatory bail to him. Consequent thereupon prayer for anticipatory bail relating to Sant Kumar Sahani, petitioner no.6 is hereby rejected.

So far remaining petitioners, namely, Nandlal Sahni, mundrika Sahani, Surji Devi @ Most. Surji Devi, Vidyawati Devi, Dhanesh Sahani are concerned, each are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No.131 of 2006 in the event of their arrest / surrender within four weeks in terms of condition so laid down under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J.)

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