

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22492 of 2016

Arising Out of PS.Case No. -63 Year- 2015 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Ram Chandra Sahani Son of Parichhan Sahani
2. Shanti Devi wife of Ram Chandra Sahani Both are Resident of Village-
Mankarwa Dhai Anna, PS Phenhara District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 26-07-2016 Heard both sides.

The petitioners apprehend their arrest in Patahi P.S. Case
No. 63/2015, registered for the offences punishable under Sections
302, 201 of the Indian Penal Code.

The informant alleged that her daughter and son-in-law
were present in the house, but when she returned after
participating in the celebration, her daughter and son-in-law were
missing. Informant suspected that her son-in-law Raj Kumar
Sahani might have killed her daughter.

Mr. Ansul learned counsel for the petitioners submits
that Neelam Kumari in para 30 of the case diary disclosed that five
persons came and her brother-in-law Raj Kumar Sahani took her



sister in the orchard and all the five persons caught her sister and she was forced to leave that place by her brother-in-law. No female member was present there. In para 56 of the case diary Ranjit Sahani disclosed that conspiracy to kill Rinku Devi (deceased) was hatched up in the house of Ram Chandra Sahani (petitioner no. 1) in which his son-in-law Yogendra Sahani also participated. Thereafter, in pursuance of the aforesaid conspiracy Rinku Devi was killed and her dead body was thrown in the field. It is further submitted that there is no evidence to show complicity of Shanti Devi (petitioner no. 2) in the alleged occurrence. She is the wife of petitioner no. 1. It has come that SIM issued in the name of Shanti Devi was used in the crime, but it has nowhere come that petitioner no. 2 Shanti Devi used her mobile. Her husband and son-in-law are accused and she had no knowledge about the fact that who used her mobile.

Learned A.P.P. however vehemently opposed the prayer for anticipatory bail of the petitioners.

It appears that firstly, the sister of the deceased Neelam Kumari disclosed that her brother-in-law and five other men caught her sister and she was forced to leave that place by her brother-in-law. On perusal of para 56-57 of the case diary it appears that Ranjit Sahani and Tejan Sahani have stated that Ram

Chandra Sahani (petitioner no. 1) his son-in-law Yogendra Sahani and others have conspired to kill Rinku Devi (deceased) and in pursuance of that conspiracy she was killed, but no tangible material has been collected against Shanti Devi (petitioner no.2) save and except that the SIM issued in the name of Shanti Devi was used in the crime.

Considering the fact that it has come that Ram Chandra Sahani petitioner no. 1 took part in the conspiracy to kill Rinku Devi, I am not inclined to enlarge Ram Chandra Sahani petitioner no. 1 on anticipatory bail. Accordingly, the same is rejected.

So far as, the case of Shanti Devi petitioner no. 2 is concerned, she is a lady and there is absolutely no material against her, save and except the fact that SIM issued in her name was used in the crime. Even Neelam Kumari sister of the deceased did not say that any female member was present in the orchard from where she was forced to leave that place by her brother-in-law.

Considering the facts aforesaid, the petitioner no. 2 Shanti Devi, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the

satisfaction of the Sub-divisional Judicial Magistrate, East Champaran at Motihari in connection with Patahi P.S. Case No. 63/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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