

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56544 of 2015

Arising Out of PS.Case No. -85 Year- 2015 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Shambhu Sahni Son of Punyadeo Sahni, Resident of village- Kotwa,
Barharwa, P.S.- Kotwa, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-03-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner being husband of the deceased is apprehending his arrest in connection with Sangrampur P.S. Case No. 85 of 2015, registered for offences punishable under Section 302/34 of the Indian Penal Code.

Diary in the present case was called for, which has since been received.

Learned counsel for the petitioner submits that the petitioner and the deceased lady had separated eight years ago and after the petitioner had filed the divorce petition, the deceased had filed a case for maintenance and also another case under Section 498A. It was submitted that it is on account of the said litigations,



the petitioner has been framed up in the present case. Learned counsel for the petitioner further submits that rather improbable story has been carved out by the mother of the deceased that the petitioner along with his father and one other came to her house in the middle of the night and murdered her daughter. It is further submitted that save and except the story as carved out by the informant, there is no eye witness to the said occurrence. Though it has been alleged that the informant had seen the petitioner and two other persons fleeing away on motorcycle, it is very improbable that the deceased would not have herself created hulla on being attacked and also kept the door open for easy entrance of the petitioner and others.

Considering the nature of allegations made against the present petitioner and that there are no eye witness to the said occurrence and also that there is no material in the case diary so as to corroborate and supplement the allegations made in the F.I.R., let the petitioner above named, in the event of his 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, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East

Champan in connection with Sangrampur P.S. Case No. 85 of 2015 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Anjana Mishra, J)

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