

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56207 of 2015

Arising Out of PS.Case No. -200 Year- 2015 Thana -KORHA District- KATIHAR

1. Arjun Sahni @ Arjun Sahani son of Binde Sahani resident of Navtoliya, P.S. Bahera, District Darbhanga at present resided at Village Charkhi, P.S.- Korha, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.56976 of 2015

Arising Out of PS.Case No. -200 Year- 2015 Thana -KORHA District- KATIHAR

1. Manoj Sahni @ Manoj Sahani son of Binde Sahni, resident of Navtoliya, P.S. Bahera, District Darbhanga at present resided at village Charkhi, P.S.- Korha, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.56207 of 2015)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Shantanu Kumar (App)

(In Cr.Misc. No.56976 of 2015)

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Ajit Kumar (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 08-03-2016 Both the criminal miscellaneous applications are of the same occurrence and, as such, have been heard together and are being disposed of by passing this common order.

Heard learned counsel for the petitioners and learned

A.P.P. representing the State.

The petitioners seek bail in connection with Korha P.S. Case No. 200 of 2015 registered for the offences punishable under Sections 365, 498A, 120B/34 of the Indian Penal Code.

Radha Devi, the daughter of the informant was married to petitioner Manoj Sahni six months ago and allegedly, the petitioners used to assault her and further after assaulting her brutally, make her traceless.

Submission is of false implication and that there is no allegation for demanding any thing, there is nothing on the record to show that the petitioners were involved in committing the crime, save and except confessional statement of petitioners. The petitioner Arjun Sahni @ Arjun Sahani is the *Bhaisur*, having no concern with the family affairs of the deceased and her husband and the petitioners suffering in custody since 18.10.2015, deserve sympathetic consideration as they are poor labourers.

The learned A.P.P. opposes the prayer of bail by submitting that just after six months of the marriage, the petitioners killed Radha Devi.

In the facts and circumstances stated above, considering that the petitioner **Manoj Sahni @ Manoj Sahani of Cri. Misc. No. 56976 of 2015** is the husband and his wife was

living with him and further he confessed his guilt that he killed Radha Devi and burnt her at Kadhagola Ghat and, as such, this Court is not inclined to enlarge him on bail and accordingly, his such prayer stands rejected.

So far as, petitioner **Arjun Sahni @ Arjun Sahani of Cri. Mis. No. 56207 of 2015** is concerned, he is *Bhaisur* and as submitted he is living separately and, as such, he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar in connection with Korha P.S. Case No. 200 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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