

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42376 of 2015

Arising Out of PS.Case No. -14 Year- 2015 Thana -TARIYANI CHOWK District- SHEOHAR

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Sumitra Devi, wife of Shivji Sah, resident of Village- Sultanpur, P.S.-
Tariyani, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-01-2016 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends arrest in connection
with Tariyani P.S. Case No. 14/15 for the offences alleged under
Sections 302, 201 and 120-B of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case, as alleged in the fardbeyan
of informant Mitu Sahni, is that his son Dharmendra Sahni had a
bicycle repairing shop at Kundal Bandh. On 27.01.2015 hot
exchange of words and quarrel regarding dispute of land took
place between his neighbour Sheoraj Sahni and his son
Dharmendra Sahni in which Sheoraj Sahni threatened his son to
finish him within one week. Sheoraj Sahni has circle of bad
people. He always took decision on the advice of Sumitra Devi



and Anil Singh. On 04.02.2015 at about 5.00 P.M. Sumitra Devi came at the shop of his son Dharmendra Sahni and talked with his son for approximately one and half hours. After conversation his son Dharmendra Sahni came at his house at about 7.00 P.M. for taking meal and at about 8.00 P.M. after taking meal returned back to his shop for sleeping. Next morning after late hour when his son did not return to the house he started to search him. On 13.02.2015 at about 01.00 P.M. his neighbour Sitaram Sahni, who was fishing near Kasar Chainpur Belsand in Bagmati river, intimated him on telephone regarding the dead body of Dharmendra Sahni lying on the bank of the river. Informant went there and recognized the dead body of deceased Dharmendra. Occurrence took place either from pointed sharp weapon or fire-arm and after killing the dead body was thrown in the river.

It has been submitted by the learned counsel for the petitioner that the petitioner has no criminal history, as is evident from Paragraph 3 of this petition and she has been implicated falsely. No specific over act has been assigned to the petitioner as the murder of the deceased Dharmendra Sahni is itself a mystery. The learned counsel for the petitioner further submits that there was some serious land dispute between the informant and his family members with one Sheoraj Sahni, the another co-accused with whom this petitioner has no connection.

Learned APP for the State opposes the prayer for bail. He states that the petitioner is named in the First Information Report and Paragraphs 36 and 37 show the complicity of the petitioner in the alleged offence.

Since the death of deceased Dharmendra Sahni is itself a mystery with no eye-witness and the petitioner has no connection with the land dispute going on between the informant side and the other co-accused, let petitioner, named above, in the event of arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Sheohar, in connection with Tariyani P.S. Case No. 14/15, subject to the conditions laid down under Section 438(2) Cr.P.C. However, it is made clear that the petitioner must appear before the learned court below/ police on any required date and on failure to appear before the court below on two consecutive dates, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(Nilu Agrawal, J.)

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