

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19993 of 2017

Arising Out of PS.Case No. -370 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Saheb Sahani Son of late Shiv Sahani R/o Village - Sisawa, P.S. -
Banjaria, District - East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-06-2017 The petitioner seeks regular bail in connection with

Turkauliya (Banjaria) P.S. Case No. 370 of 2016, registered for

offences punishable under Sections 302/34 of the Indian Penal

Code.

Allegation against the petitioner and other co-accused
persons is of stabbing the deceased causing her death.

It has been submitted on behalf of the petitioner that as a
matter of fact petitioner is son in law of the informant and has
nothing to do with the alleged offence. In fact informant has two
wives and one of the wives has lodged the case against the
informant under Section 498A and other Sections of Indian Penal
Code and there is itself a dispute in the family of the informant
and due to which the present occurrence might have taken place.



Petitioner has no role to play in the death of the deceased as he himself wanted to get the deceased married with his nephew and, therefore, there is no motive for the petitioner to kill the deceased. Further there is allegation against the four persons for stabbing the deceased and the post mortem report suggests only one incise would. Petitioner has no criminal antecedent and has been in judicial custody since 17.08.2016.

Heard learned A.P.P. also.

Having heard both sides, in view of submissions and considering the facts and circumstances of the case, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, East Champaran, Motihari, in connection with Turkauliya (Banjara) P.S. Case No. 370 of 2016, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.



(iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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