

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55666 of 2016

Arising Out of PS.Case No. -47 Year- 2014 Thana -RAGHUNATHPUR District- SIWAN

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Binay Sahani @ Binay Kumar Sahani, Son of Kunj Bihari Tiwar, resident
of Village- Gabhirar, P.S.- Raghunathpur and District- Siwan.

.... Petitioner

Versus

1. The State of Bihar.
2. Kaushalya Devi, Wife of Rajaram Chaurasia, resident of Gabhirar,
P.S.- Raghunathpur and District- Siwan.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Utsav Kumar, Advocate
Mr. Arun Kumar, Advocate

For the Opposite Parties : Mr. Madhura Nand Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 09-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Raghunathpur P.S Case No. 47 of 2014 registered for the offences
punishable under Sections 366, 302, 201/34 of the Indian Penal
Code.

On the basis of complaint petition this case has been
registered with allegation that married Kiran Kumari was abducted
by the petitioner and others and her marriage was performed with
the petitioner, she gave birth to a male child and thereafter the
petitioner went abroad after saying that he will keep Kiran Kumari
and her son at her maternal uncle's house but both are traceless



and it is suspected that after killing her daughter and grandson dead body was thrown in Saryu river to conceal the evidence.

Submission is of false implication and that the petitioner is in custody since 12.07.2016, the informant after knowing the reality has filed the compromise petition showing the innocence of the petitioner and further stating that Kiran Kumari and her son died natural death but the police has submitted chargesheet under section 366/34 of the Indian Penal Code without proper verification of the fact and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. fairly submits that the informant is now retracting from her earlier version and has filed compromise petition.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- IV, Siwan, in connection with Raghunathpur P.S. Case No. 47 of 2016, subject to the conditions that one of the bailors must be a 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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