

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61730 of 2017

Arising Out of PS. Case No.-203 Year-2017 Thana- SITAMARHI District- Sitamarhi

Arbind Sah, S/o Sri Bhagwan Sah, R/o Village- Rewali, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sukhari Sah S/o Chhitnu Sah, R/o Village- Dumaria (Paroh), P.S.- Gaur , District- Rohat (Nepal).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.
For the Opposite Party/s : SRI AKSHAY LAL PANDIT

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Prosecution case as per the written report of Sukhari Sah is to the effect that his daughter Sunita was married to Praduman Sah about 8 years prior to lodging of the case. The daughter of the informant was second wife of Praduman Sah. Praduman Sah did not have any child from the first wife from before, but after some time of second marriage, his first wife gave birth to a child, though the child died after surviving for some days and thereafter, the informant's daughter began to be



tortured. On 27.03.2017, about 7.00 AM, the brother-in-law of the informant (sardhu) Basudeo Sah conveyed the informant that his daughter has been killed and her dead body has been thrown on the flank of the road in Madhuban village. On this information, the informant went to Sadar Hospital and found the dead body of his daughter. In the last paragraph of the written report, it is mentioned that all the in-laws have killed the victim and have disposed of the dead body. It is also alleged that the petitioner and one Ram Pukar Sah threw the dead body of the victim by Sumo vehicle of Mohan Raut.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against the in-laws family of the daughter of the informant. The petitioner is not related to them in any manner and the written report itself appears to be unsustainable in view of the fact that informant initially said that he went to the hospital and found the dead body in hospital, whereas, he suspected that the dead body was thrown on the flank of the road, on the basis of the information given by his brother-in-law Basudeo Sah. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the thrust of accusation against other accused



persons and inconsistency in the accusation levelled in the written report and the fact that even assuming the accusation to be true at best only a case under Section 201 of the I.P.C. is made out against the petitioner, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Sitamarhi, in connection with Sitamarhi P.S. Case No.203 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

