

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2131 of 2018

Arising Out of PS.Case No. -161 Year- 2017 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sunil Sahani, S/o Parash Sahani,
 2. Parash Sahani, S/o Rekha Sahani, Both are resident of Village-
Nandlali, P.S.- Ramgarhwa, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Smt. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-02-2018 Heard the learned counsel for the petitioners and the
learned APP for the State.

The petitioners seek regular bail in connection with
Ramgarhwa P.S. Case No. 161 of 2017 for the offences punishable
under Sections 363 and 365 of the Indian Penal Code.

At the outset, the learned counsel for the petitioners
seeks permission to withdraw the anticipatory bail petition of
petitioner no.1, Sunil Sahani, with a liberty to approach the trial
court for grant of regular bail.

Accordingly, the present anticipatory bail petition as
far as the petitioner no.1, Sunil Sahani, is concerned, is dismissed
as withdrawn, however, with a liberty to the petitioner no.1 to



approach the concerned trial court within a period of two weeks from today and in case, the petitioner no.1 surrenders before the trial court and prays for regular bail, his application for regular bail shall be considered and disposed of on the same day.

Now, coming to the merits of the case, the allegation of the informant is that his daughter vanished after the marriage and she is not traceable till date.

The learned counsel for the petitioners submits that the petitioners were working outside the State, hence they had no knowledge about the victim girl and when they came to know about her disappearance, they came to their village and started searching for the victim girl, however, she could not be traced out and, in fact, she had been in the habit of taking jewellery from her house to her sister's home. It is further submitted that at best whatever allegation has been levelled is against the petitioner no.1 who is the husband of the victim girl, but no complicity of the petitioner no.2, who happens to be the father of the petitioner no. 1, is present in the instant case.

Per contra, the learned counsel for the informant submits that the petitioners have made the girl to disappear for want of demand of dowry and since the present case is a case of committing serious crime on the part of the petitioners herein, the petitioner



no.2 should also not be granted the privilege of anticipatory bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner no.2 to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the concerned court within a period of six weeks from the date of receipt / production of a copy of the present order, the petitioner no.2, namely, Parash Sahani, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari in connection with Ramgarhwa P.S. Case No. 161 of 2017, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Mohit Kumar Shah, J)

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