

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54755 of 2018**

Arising Out of PS. Case No.-2495 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE  
District- Muzaffarpur

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Binay Sahani @ Binay Sahni Son of Shivjee Sahani @ Shivjee Shani R/o  
Village-Madhuban Kanti P.S.-Meenapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. State Of Bihar  
2.Kishori Sahani Son of Kailash Sahani R/o Village-Rajbaradih, P.S.-  
Musahari District-Muzaffarpur

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kumar Ranjit Ranjan, Adv  
For the Opposite Party/s : Mr. Smt. Madhuri Lata,APP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

3      29-11-2018                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest  
in a case registered for the offences punishable under  
Sections 304(B),201 of the Indian Penal Code.

Submission of the learned counsel for the  
petitioner is that the complaint based allegation would  
reveal that wife of this petitioner died in the house of  
her parents as she was at the advance stage of  
pregnancy and after death dead body was disposed of  
thereat. Thereafter, complaint petition has been filed  
with allegation that there was demand of dowry and  
torture for the same. If the victim was not with the



petitioner at the time of her death, it cannot be said that the torture was soon before death for non-fulfillment of dowry demand.

Finding substance in the submission aforesaid, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.2495-A/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

**(Birendra Kumar, J)**

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