

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28714 of 2018

Arising Out of PS.Case No. -217 Year- 2017 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Sharma Sahani @ Sharma Sahni, Son of Late Ganesh Sahani, resident of
Village- Khajuri, Police Station- Bhairganj, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 20-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 14.11.2017 passed in Cr. Misc. No.
47574 of 2017.

Petitioner is languishing in judicial custody since
06.05.2017 in connection with Sessions Trial No. 81 of 2018
arising out of Bagaha (Bhairganj) P.S. Case No. 217 of 2017 for
offences punishable under Sections 302 and 201/34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while she had gone for grazing of goat her 16 years old



daughter Guddi Kumari was at home along with other children. She found, after returning, that the petitioner along with five other persons coming from his house. When she came inside the house she found her daughter hanging. Thereafter, she was taken to the house of the petitioner along with her three children and the dead body was disposed off.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that there is no eye witness to the alleged occurrence and charge-sheet has been submitted under Section 306 of the Indian Penal Code and not under Section 302 I.P.C. He submits that the son Deepak Sahani who is alleged to have had love affair with the informant's daughter had since been granted pre-arrest bail by this Court.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was found coming inside of the house of the informant and even dead body was found hanging and has been surreptitiously taken away and burnt.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner in connection with Sessions Trial No. 81 of 2018



arising out of Bagaha (Bhairoganj) P.S. Case No. 217 of 2017,
pending in the court of learned 1st Additional District and Sessions
Judge, Bagaha, West Champaran.

The application is, accordingly, rejected. The trial court
is directed to complete the trial within nine months.

(Nilu Agrawal, J)

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