

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28000 of 2019**

Arising Out of PS. Case No.-209 Year-2015 Thana- SAHEBGANJ District- Muzaffarpur

Babulal Sahni aged about 33 years Gender (Male) son of Ramchandra Sahni  
Resident of village Bairiya P.S. Sahebganj Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shashi Bhushan Singh, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

5      05-07-2019                      At the outset the learned counsel for the petitioner seeks permission to make correction in paragraph 2 of the application to the effect that the petitioner had earlier moved this Court for anticipatory bail vide Criminal Misc. No. 3949 of 2018. Let the same be done in course of the day.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has filed this application for grant of bail in connection with Sahebganj P.S. Case No. 209 of 2015 (Sessions Trial No. 501 of 2017) registered for the offence punishable under sections 304(B), 201 and 34 of the Indian Penal Code.

As per the allegation in the FIR the daughter of the informant was married to the petitioner in the year 2013. It is as per the allegation the other relatives of petitioner started stating



that they would not let the couple stay in home as they had married out of their own will. There was Panchayati between the parties as a result of which the informant gave a sum of Rs. 1,85,000/- and a motorcycle by way of dowry. It is alleged that on 15.08.2015 the informant received information on telephone that his daughter had been killed. On reaching his daughter's Sasural it transpired that the accused persons had disposed of her body.

It is submitted by learned counsel for the petitioner that there was love marriage between the petitioner and the deceased. From perusal of the FIR itself it would transpire that there was no allegation whatsoever against the petitioner, who is the husband of the deceased. It is further submitted that the trial in the case has commenced and in course of the trial, the mother of the deceased was examined as a witness, deposition of whom has been brought on record as Annexure 2 to the application. In her deposition the mother of the deceased has stated that there was some minor altercations between the petitioner and the deceased i.e., the husband and wife and the daughter of the informant died as a result of illness. It is further submitted that the petitioner is in custody since 29.10.2018 and that he has no criminal antecedent.



The application for bail has been opposed by learned APP for the State submitting that the petitioner is husband of the deceased and the trial in the case has commenced.

Having heard learned counsel for the parties and taking into consideration the contents of the FIR, the deposition of the mother of the deceased in course of the trial as also the fact that the petitioner is in custody since 29.10.2018, the Court is inclined to enlarge the petitioner on bail. The petitioner named above is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned 14th Additional District Judge, Muzaffarpur in Sahebganj P.S. Case No. 209 of 2015 (S.Tr. No. 501 of 2017).

Further it is clarified that the petitioner shall remain present on each and every date during trial and in case of absence of the petitioner on two consecutive dates for no good reason, the trial court shall proceed to take steps for cancellation of his bail.

**(Partha Sarthy, J)**

Prakash/-

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