

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74353 of 2019

Arising Out of PS. Case No.-343 Year-2019 Thana- BAGHA District- West Champaran

HARIKESH SAHANI, aged about 28 years, Sex-Male, Son of Jagdish @ Bhaykar Sahani, Resident of Village- Jarlahiya Sirisiya, P.S.- Norangiya, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Milind Kumar Mishra, Advocate.
For the State	:	Mr.Binod Kumar, A.P.P.
For the Informant	:	Mr. Vijay Kumar Singh No. 1, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-03-2020 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 302, 120(B) and 201/34 of the IPC in which charge sheet has been submitted under Section 304(B) of the I.P.C.

The prosecution story, in brief, is that in previous night, son-in-law of the informant, namely, Harikesh Sahani (petitioner) came at his house alongwith his friends and said his father-in-law for parting his wife because his mother is ill, having known about the illness of his mother, the informant parted his daughter with his son-in-law. The accused taken away the daughter of informant by Motorcycle. It is said that on



18.06.2019 the informant got information on Mobile No. 9117047792 from Mobile No. 6201049435 that Puja is not present at her house, having found information the informant moved in search of his daughter, thereafter came to know that a dead body is lying on Railway Track near Nadda, saw that a headless body is lying on Railway Track. The informant has doubt that his son-in-law and unknown persons have killed his daughter in order to destroy the evidence, they have disappeared the dead body.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 30.07.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence. There is no circumstantial evidence to suggest the implication of the petitioner in the present case.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. Charge sheet has been submitted under Section 304(B) of the I.P.C. The petitioner is the husband of the deceased. The onus is on him to



explain the cause of death of his wife (deceased).

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Bagaha (Bhairoganj) P.S. Case No. 343 of 2019, pending in the court of learned A.C.J.M. Ist, Bagaha, West Champaran.

The court below is directed to take all necessary steps to conclude the trial within a period of nine months from the date of receipt/production of copy of this order.

(Sudhir Singh, J)

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