

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29970 of 2020

Arising Out of PS. Case No.-314 Year-2018 Thana- GAIGHAT District- Muzaffarpur

1. SACHIN KUMAR S/o Lalu Sahni R/o Vill.-Haripur, P.S.-Gaighat, Distt.-Muzaffarpur.
2. Virju Sahni @ Birju Sahni S/o Late Ghutur Sahni @ Mutuk Sahni R/o Vill.-Haripur, P.S.-Gaighat, Distt.-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-02-2021 Heard Mrs. Bela Singh, learned counsel for the petitioners and Mr. Ganesh Prasad Singh, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend arrest in connection with Gaighat P.S. Case No. 314 of 2018, registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code, 1860.

The allegation as per the First Information Report is that grand-daughter of the informant was married to Santosh Sahni in the year 2018 and after sometime of the marriage, the mother-in-law of the deceased and husband started demanding a Motorcycle as dowry and due to non-fulfillment of the said



demand, the petitioners along with other co-accused persons have killed the grand-daughter of the informant and also disposed of the dead body secretly.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and altogether nine family members have been made accused in this case and the allegation against the petitioners are general and omnibus in nature. Learned counsel further submits that from perusal of the First Information Report it would be evident that demand of Motorcycle was against the husband and mother-in-law of the deceased and the petitioners have got no concern with the family affairs of the deceased inasmuch as the petitioner No. 1 is cousin of the husband of the deceased and petitioner No. 2 is grand-father-in-law of the deceased who is aged about 87 years. Learned counsel also submits that except general and omnibus allegation against the petitioners, no material has come against them during course of the trial.

On the other hand, learned counsel appearing for State referring to the case diary submits that the petitioners also participated in the occurrence and all the witnesses have said the same thing during course of the trial.

Having regard to the submissions made by the parties



and taking into consideration the materials on record and the fact that that petitioner No. 1 is cousin of husband of the deceased whereas petitioner No. 2 is grand-father-inlaw of the deceased having advanced age of 87 years and there is no allegation of demand of dowry against them, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 15th Additional Chief Judicial Magistrate, Muzaffarpur, in connection with Gaighat P.S. Case No. 314 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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