

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9955 of 2021

Arising Out of PS. Case No.-364 Year-2019 Thana- PAKRIDAYAL District- East Champaran

Raja Ram Sahani Son of Late Kuwar Sahani R/o Village- Kora Sunderpatti,
P.S.- Pakaridyal, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Dr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-07-2021 Heard learned counsel for the petitioner and
learned A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Pakridayal P.S. Case no. 364 of 2019 registered under sections 365, 366 and 34 of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per allegation in the F.I.R., it is stated by the informant that on 16.11.2019 at about 5 pm five named accused persons including the petitioner herein as also two other persons she did not recognize, took her husband on the pretext of irrigating their field. Thereafter her husband did not return. It is stated that there has been ongoing dispute between her husband and Ramjanam Sahni for which her husband had been threatened by Ramjanam Sahni and the petitioner herein.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. So far as the F.I.R. is concerned, only a suspicion has been raised and at best it is a case of last seen. There is no eye witness to the occurrence. In course of investigation the dead body of the husband of the informant was recovered and in the postmortem report the cause of death is stated to be asphyxia due to drowning. No external injury has been found on the body of the deceased. The petitioner is in custody since 29.2.2020 has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for 1 year 4 months, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Pakridayal P.S. Case no. 364 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari.

(Partha Sarthy, J)

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