

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31680 of 2020

Arising Out of PS. Case No.-129 Year-2020 Thana- MAHESI District- East Champaran

1. Mewalal Sahni @ Mewalal Sahani, aged about 20 years (M), son of Nand Kishore Sahani,
2. Nand Kishor Sahni @ Nand Kishor Sahani, aged about 46 years (M), son of late Mahadeo Sahani,
3. Basanti Devi, aged about 43 years (F), w/o Nand Kishor Sahni @ Nand Kishor Sahani,
All are resident of Village- Chakki Ujhilpur, P.S.- Mehsi, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Gupta, Advocate
For the State	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-03-2021

Heard Mr. Dhananjay Kumar Gupta, learned counsel for the petitioners and Mr. Sunil Kumar Pandey, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. Learned counsel for the petitioners submitted that he may permitted to withdraw the application on behalf of the petitioner no. 2, as he has already been arrested. Accordingly, the application on behalf of the petitioner no. 2, Nand Kishor Sahni @ Nand Kishor Sahani stands disposed off as withdrawn and is restricted to petitioners no.1, Mewalal Sahni @ Mewalal



Sahani and 3 Basanti Devi.

3. The petitioners no. 1 and 3 apprehend arrest in connection with Mehshi PS Case No.129 of 2020 dated 14.05.2020, instituted under Sections 304-B, 201/34 of the Indian Penal Code.

4. The petitioner no. 3 is the mother-in-law of the deceased, who was the daughter of the informant and the petitioner no. 1 is the younger son of the petitioner no. 3.

5. The allegation against the petitioners, along with others, is of killing the informant's daughter and disposing off her body without information to the informant's family.

6. Learned counsel for the petitioners submitted that they are living separately and that she had died due to acute cold, cough, headache, high fever and body-ache and could not be treated due to lock down. It was further submitted that the informant and his family members came and took part in the rituals, but to harass the family, this false case has been filed.

7. Learned APP, from the case diary, submitted that a young woman has died in the matrimonial home and witnesses have stated that she died due to hanging and also that the husband of the deceased is a drunkard and used to regularly assault the deceased and further, that without waiting for the



family of the deceased or the informant or the police, the body was hurriedly burnt. It was submitted that the petitioners no. 1 and 3 being in the same house are equally responsible for the act which clearly is a crime as death was not natural.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners no. 1 and 3.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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