

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3583 of 2021**

Arising Out of PS. Case No.-571 Year-2020 Thana- SARAIYA District- Muzaffarpur

1. Ram Surat Sahani Son Of Late Jhagaru Sahani Resident Of Village - Sheikh Dhanwat O.P. Jaintpur, P. S . - Saraiya, District - Muzaffarpur.
2. Raju Sahani Son Of Ram Surat Sahani Resident Of Village - Sheikh Dhanwat O.P. Jaintpur, P. S . - Saraiya, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok,Advocate

For the Opposite Party/s : Mr.Rajendra Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 02-08-2021 Heard learned counsel for the petitioners and Mr. Rajendra Singh, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Saraiya P.S. Case No. 571 of 2020 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, the chaukidar found the dead body of the victim girl at Laxmipur chaur. The dead body had various injuries and it was recovered from the land of one Sakindra Singh. It is alleged that some unknown persons after killing buried the dead body at the place of recovery in order to conceal the evidence.

Learned counsel submits that petitioner no. 1 in the present case is the grandfather and petitioner no. 2 is the father of the



deceased lady. In course of investigation, the name of the petitioners appeared on the basis of the confessional statement of petitioner no. 1 before the police. It is submitted that according to the investigation, the daughter of petitioner no. 2 was major, she was having a love affair with a local person and out of her own will, she had started residing with him. She was not ready to come back and it is for this reason in the name of family prestige she was killed.

Learned counsel submits that petitioner no. 1 never made any confessional statement before the police and in any case the petitioners are not concerned with the murder of the deceased lady who was living with another person. No material has come otherwise in the case diary and nobody had seen the petitioners taking away the dead body of the deceased. The petitioners are in custody since 02.09.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioners. It is submitted that it is a case of honor killing. In the impugned order it has come that the deceased had gone to live with another person but the petitioners had brought her back and had assaulted the deceased whereafter she committed suicide by hanging herself to the iron pipe of the Asbestos roof and thereafter in order to conceal the dead body she was buried.

Considering the facts and circumstances of the case, the nature of accusation, this Court is not inclined to release petitioner no. 2 who is the father of the deceased on bail. His prayer for regular



bail is, thus, refused.

However, considering the submissions that petitioner no. 1 is the grandfather and has remained in custody in connection with this case since 02.09.2020, investigation against him is complete, this Court directs release of the petitioner no. 1 above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, West Muzaffarpur in connection with Saraiya P.S. Case No. 571 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the



above-mentioned order shall not be delayed for purpose of or in the name of verification.

Let the trial be expedited. All endeavours be made to conclude the trial as early as possible and preferably within a period of nine months from the date of start of normal functioning of the Court. If the trial remains unconcluded during this period for no reason attributable to petitioner no. 2, he may renew his prayer for bail.

The application is partly allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

