

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59810 of 2019

Arising Out of PS. Case No.-314 Year-2019 Thana- KESARIA District- East Champaran

1. Sagar Sahani @ Raj Kumar Sahani, S/O Late Gudari Sahani, R/O Vill Sisawa Patana, P.S. Keshariya, Dist. East Champaran.
2. Uday Sahani, S/O Late Gudari Sahani, R/O Vill Sisawa Patana, P.S. Keshariya, Dist. East Champaran.
3. Rooplal Sahani, S/O Late Gudari Sahani, R/O Vill Sisawa Patana, P.S. Keshariya, Dist. East Champaran.
4. Rima Devi, W/O Uday Sahani, R/O Vill Sisawa Patana, P.S. Keshariya, Dist. East Champaran.
5. Nickey Devi, W/O Rooplal Sahani, R/O Vill Sisawa Patana, P.S. Keshariya, Dist. East Champaran.
6. Most Kaliya Devi, W/o Late Gudari Sahani, R/O Vill Sisawa Patana, P.S. Keshariya, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No.2, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 05-02-2021 At the very outset, it is submitted by the petitioners' counsel that Petitioner Nos.1, 4 and 6 have been arrested during pendency of this application and Petitioner No.3, unfortunately, is no more alive. The prayer in respect of Petitioner No.1 Sagar Sahani @ Raj Kumar Sahani, Petitioner No.3 Rooplal Sahani, Petitioner No.4 Rima Devi and Petitioner No.6 Most. Kaliya Devi has therefore become infructuous and he does not wish to press this application for pre-arrest bail in respect of these four



petitioners.

The application, so far as the aforesaid four petitioners are concerned, stands dismissed as not pressed.

Heard learned counsel for the petitioners and the learned APP for the State.

The Petitioner No.2 Uday Sahani and Petitioner No.5 Nickey Devi are apprehending their arrest in connection with Kesariya P.S. Case No.314 of 2019 registered for the offence punishable under Sections 304, 201B/34 of the Indian Penal Code.

On learning that his niece (*Bhanji*) has been done to death for dowry, the informant has lodged this case.

The allegation is that all the petitioners have subjected the victim to cruelty and are responsible for her death.

Petitioners' counsel submits that the husband of the victim is already in custody. Petitioner Nos.2 and 5 are younger brother-in-law and *Gotani* of the victim respectively and their implication is by virtue of their relationship. The allegations are general and omnibus and no specific allegation has been levelled, even suggesting the petitioners' involvement in the instant case.

Learned APP for the State has opposed the prayer for



anticipatory bail.

Considering the rival submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let Petitioner No.2 Uday Sahani and Petitioner No.5 Nickey Devi, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on 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 A.C.J.M. 3rd, Motihari, East Champaran, in connection with Kesariya P.S. Case No.314 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if



they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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