

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19843 of 2021

Arising Out of PS. Case No.-233 Year-2020 Thana- CHAUTHAM District- Khagaria

Shankar Sahani Son Of Kamali Sahani R/O Village/P.O.- Sonbarsha Ghat,
Ward No.08, P.S.- Chautham, Borne, Khagaria, Borney,Bihar-851201.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mrs.Deepika Sharma, Advocate
For the State	:	Mr.Surendra Kumar, APP
For the informant	:	Mr.Piyush Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-02-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant through
virtual mode.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection
with Chautham P.S. case No.233 of 2020 registered under
Sections 302, 379 and 34 of the Indian Penal Code.



Prosecution case, in short, is that the informant's daughter Renu Devi got married with the petitioner prior to 20 years ago and prior to 13 years ago the petitioner again got married with fourth daughter of the informant, namely, Rani Devi by objecting her, due to that both sisters used to quarrel with each other. On 14.08.2020 the informant got information that his elder daughter Renu Devi, the petitioner and sister's son Rahul Kumar assaulted to Rani Devi and snatched Rs.22000/- and ornaments from her and thereafter they murdered Rani Devi.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The deceased happens to be the second wife of the petitioner. An affidavit has been filed on behalf of the informant in the present case enclosing Annexure 1 to the said petition. In the petition filed by the informant in the court below, he has retracted from his earlier statement made in the F.I.R. It has further been submitted by the informant in the said petition filed in the court below that he does not want to pursue with the case and the matter has been resolved between the parties.



On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the complaint case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the facts and circumstances, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. case No.233 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight



weeks to the satisfaction of the Court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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