

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36633 of 2022

Arising Out of PS. Case No.-390 Year-2021 Thana- KESARIA District- East Champaran

Banka Sahani Son Of Late Paltoo Sahani R/O Village- Fultakiya, P.S.-
Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Kesariya P.S. Case No. 390 of 2021 for the offences under
Sections 302/120B of the Indian Penal Code.

The informant is sister of the deceased and the
petitioner is the father-in-law of the said deceased.

As per the FIR, she has alleged that her brother after
selling truck returned to his in-laws house and later they got
information that he is hanging from the tree. She accordingly,
apprehend that the lady along with her family members killed
her brother.



Learned counsel for the petitioner submits that now the lady herself has become widow due to alleged suicide committed by her husband and has further been implicated as an accused along with her family members. The petitioner being her father and he is in custody since 09.11.2021 (as stated in paragraph-9 of the bail application). He further submits that the police has investigated the matter and submitted charge sheet only under Section 306 of the Indian Penal Code.

He lastly submits that one of the co-accused namely Lalita Devi has since been granted bail by this Court vide Cr. Misc. No. 28394 of 2022 on 6.9.2022.

Considering the fact that the police has submitted charge sheet under Section 306 of the Indian Penal Code and the petitioner (father-in-law) is in custody since 09.11.2021 and one of the co-accused has been granted bail, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate, 1st Class, Sadar Motihari, East Champaran in connection with Kesariya P.S. Case No. 390 of 2021, subject to the following conditions.



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail her cancellation of bail by the Trial Court itself;

(iii) she shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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