

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49399 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- SARAI District- Vaishali

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AMARNATH SAHNI, S/O SHRI BIJENDRA SAHNI R/o village-
Mukundpur, Barkurba, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 19-05-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Sarai P. S. Case No. 74 of 2020 for the offences punishable
under Sections 498(A), 302 and 34 of the Indian Penal Code.

The prosecution case, in brief, is that the victim was
married to the petitioner 13 years back and after marriage, all
the family members including the petitioner started demanding
1,00,000/- more money to be paid by her parents. The informant
is the brother of the deceased and he has alleged that on
receiving information from the villagers he came along with his



relatives at the place of occurrence and found that the body of the victim was lying in the courtyard and all the family members were not present at the place of occurrence.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he is the husband of the deceased. The petitioner used to work as labourer and for that purpose off an on he used to go to other States to earn money. Due to lockdown, he remained unemployed and there arose financial strain. He faced financial grudge and due to which the wife of the petitioner committed suicide by consuming poison. In course of investigation, the witnesses have made statement that the petitioner has taken the victim for getting her treated to any specialized hospital but no vehicle could be made available and as such the victim was treated by a local doctor, but could not be saved. No overt act has been committed by the petitioner nor by his family members. The petitioner is in custody since 18.02.2021 and has clean antecedents.

Shri Ajit Kumar, learned APP for the State submits that this is a case in which the petitioner has abetted his wife who is the victim to commit suicide. In course of investigation, materials have been collected that the petitioner had not



provided the victim proper financial help and as such she was forced to commit suicide.

Having heard the parties; perused the allegation made in the F.I.R. as well as the materials which have surfaced in course of investigation, it appears that the victim and the petitioner had strained relationship because the petitioner could not provide the victim with financial needs as it was required. It has come in course of investigation that petitioner had remained unemployed due to lockdown, which led to such incidence in the family and the petitioner had to lose his wife even though he has tried to treat her at any of the specialized hospital but for want of vehicle in the village she was treated by a local doctor, who could not save her life.

Prima facie, this Court is of the opinion that the petitioner has made out a case to be released on bail.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate -XVI-cum Sub Judge-17, Vaishali at Hajipur, in connection with Sarai P. S. Case No. 74 of 2020,



subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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