

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54924 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- MAHNAR District- Vaishali

Shibu Sahani, Son of Jago Sahani, Resident of Village- Jalalpur, P.S- Mahnar,
Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 31-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the petitioner and learned counsel for the State.

The petitioner seeks regular bail, who is in custody in connection with Mahnar P.S. Case No. 46 of 2021 registered for the offences punishable under Section 302,201/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the marriage of the daughter of the informant was solemnized with the petitioner 20 years ago. On 13.02.2021, the grand children of the informant informed him that the petitioner and the other



accused persons killed their mother. On receipt of the information, the informant rushed to the house of his daughter. However, he did not find his daughter and all the other family members were found absconded.

Learned counsel appearing on behalf of the petitioner submits that admittedly the marriage took place 20 years ago and in the long period of 20 years there has never been any complaint made against the petitioner. It is next submitted that there is no eye witness to the alleged occurrence and only because of the petitioner being unfortunate husband of the deceased is in incarceration since 04.05.2021, though the investigation of the crime is already completed and the charge-sheet has been submitted. It is next submitted that in fact the victim died her natural death, thereafter her body was cremated.

On the other hand, learned APP for the State opposes the bail application and drawn the attention of this Court towards the statement of the witnesses including the statement of the daughter of the deceased, who categorically stated that the petitioner is a habitual drunkard and he always used to beat his wife and on the fateful day he had also assaulted his wife, and at the time of occurrence, the other family members ousted the daughter of the deceased. The other witnesses have also



narrated the same facts that the deceased had subjected to torture at the hands of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the nature of allegation, as also the statement of the daughter of the deceased and other witnesses, this Court is not persuaded to enlarge the petitioner on bail, for the present.

It is expected that the learned trial court will take all necessary measures to expedite the trial and conclude the same, as early as possible.

Accordingly, the present bail application stands dismissed.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

