

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43753 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sukhen Shahani S/o Shambhu Sahani R/o village- Baswariya Naya Tola, P.S.-
Motihari Muffasil, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with
Motihari Muffasil P.S. Case No. 132 of 2022 registered for the
offence punishable under Section 302/34 of the Indian Penal
Code.

As per the prosecution, the informant's sister was
murdered by this petitioner along with co-accused person.
Further it is alleged that the deceased's husband who is this
petitioner regularly assaulted the deceased.



The main submissions advanced by learned counsel Mr. Sangeet Deokuliar appearing for the petitioner are that the marriage of the informant's sister with this petitioner took place 12 years ago and both led a happy congenial relationship for a long period and three children took birth from wedlock and during that period no complaint was made by the victim and as a matter of fact the deceased died of her illness and she was suffering from clenching of teeth and in the post-mortem report the cause of death could not be ascertained and no external injury was found on her body.

Learned APP Mr. Jharkhandi Upadhyay appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the facts that the charge-sheet was submitted under section 304 of the Indian Penal Code as per above submission made in Para 13 of the petition and in the post-mortem examination no external injury was found on the body of the deceased and the cause of death of the deceased could not be ascertained by the Doctor who conducted the post-mortem examination and death of the deceased took place twelve years after her marriage and as per the FIR the victim was always physically tortured by the petitioner but there is no any material to show that any



complaint was made by the victim or the informant in respect of the alleged cruel behaviour prior to the occurrence of alleged incident, in the opinion of this Court, the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Motihari Muffasil P.S. Case No. 132 of 2022.

(Shailendra Singh, J.)

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