

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58168 of 2021**

Arising Out of PS. Case No.-149 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

Birendra Kumar @ Birendra Sahni, Son of Ram Sagar Sahani Resident of
Village- Sanathi, P.S.- Bochahan, District- Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Dinesh Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

3 16-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner, learned APP for the State as well as the learned counsel for the informant.

The petitioner seeks regular bail, who is in custody in connection with Bochahan P.S. Case No. 149 of 2019 giving rise to Sessions Trial No. 171 of 2021 for the offences punishable under Sections 302 of the Indian Penal Code.

As per the prosecution case it is alleged that the police on an information registered U.D. Case No. 01 of 2018 on 29.01.2018 and after inquiry it has been found that the deceased aged about 15 years daughter of Kopindar Sahni @ Upendra Sahni has been found dead on account of strangulation.

It is submitted on behalf of the learned counsel for the petitioner that earlier the bail application of the petitioner was rejected by this Hon'ble Court vide order dated 22.01.2021 only on the ground of not specifying the criminal antecedent of the



petitioner, however, he has submitted that the petitioner is found involved in thirteen other cases but out of thirteen all the ten cases have been filed by one Shiv Shankar Sahni and his daughter on account of land dispute. It is submitted that during the course of investigation it has come that the deceased resides in the house of the petitioner, who has been working as a government school teacher and on the alleged date of occurrence the deceased on account of some trifling reason committed suicide. The brother of the deceased namely Ranvir Kumar whose statement has also been recorded under Section 164 Cr.P.C. and he categorically stated that when he went to the room of his sister he found that the door was closed and when he knocked the door no reply was given as the room was closed from inside, thereupon, he asked for help from the villagers, who came and thereafter the door was broken and the deceased was found in hanging position with a fan, thereafter, the information was given to the police and whereupon the U.D. Case has been registered. Similarly, the other relatives of the deceased have also stated that the deceased herself committed suicide. It is further submitted that the petitioner happens to be a teacher is in custody since 30.12.2019 and no material has come during the course of investigation which suggests the complicity of the petitioner in the present case.

Learned counsel for the informant opposes the bail application and submits that the post-mortem report suggests that the deceased died on account of strangulation due to which FIR has been registered.

On the other hand learned counsel for the State fairly submits that during the course of investigation independent witnesses whose statements have been recorded in paragraph



nos. 10, 11,12 and 13 beside the statement of the brother of the deceased all have categorically stated that the deceased had committed suicide.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner happens to be maternal uncle of the deceased where she has been residing after death of her parents and during the course of investigation the independent witnesses as well as the relatives of the deceased have categorically stated before the police that the deceased has committed suicide and, moreover, this petitioner is in custody since 30.12.2019 without there being any material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge 17th, Muzaffarpur in connection with Bochahan P.S. Case No. 149 of 2019 (Sessions Tr. No. 171 of 2021) with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by



the Court below.

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

(Harish Kumar, J)

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