

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55766 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- BIBHUTIPUR District- Samastipur

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HARI SAHNI Son of Late Ram Balak Sahni Resident of Village - Bajitpur
Bambaiya, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 17-05-2022 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
Bibhutipur P.S. Case No. 177 of 2021 for the offence punishable
under Section 304B/34 of the Indian Penal Code.

Petitioner has been made accused for demanding
dowry and committing murder of his daughter-in-law who is the
daughter of the informant for non-fulfillment of the same.

Learned counsel appearing on behalf of the petitioner
submits that due to strained relationship between the husband
and the wife, false allegation has been made against the



petitioner who is father-in-law of the deceased. There is no direct allegation against the petitioner that it is he who has committed murder of the daughter of the informant for non-fulfillment of dowry rather all the family members have been made accused in the present case and several family members have been granted bail by the court below itself. Husband of the deceased is in custody. Petitioner is in custody since 19.06.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that from perusal of the F.I.R. itself, it appears that all the accused persons named in the F.I.R. with a common intention have committed murder of the deceased within six years of the marriage for non-fulfillment of demand of dowry, hence the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, taking into consideration the nature of allegation made in the F.I.R., petitioner who is aged about 60 years has been made accused in this case for demanding dowry and for non-fulfillment of demand of dowry, he along with other accused persons committed murder of his daughter-in-law, there is no specific allegation against the petitioner that he is the one who has committed murder of the daughter of the informant,



general and omnibus allegation has been made against all the accused persons, several family members have been granted bail by the court below itself, petitioner has clean antecedent and there is no allegation of tampering with the evidence or influencing the witnesses and trial is not likely to be concluded in near future, prima facie, the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be released 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 ACJM-II, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 177 of 2021, 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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