

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55692 of 2022

Arising Out of PS. Case No.-331 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Nanhaki Sahani @ Rampratap Sahni, aged about 58 years, male, Son of Late Chalittar Sahani Resident of village - Phulwariya, P.S.- Bibhutipur, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Jitendra Narain Sinha, Adv.

For the State : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-12-2022 This matter has been taken up today for consideration through video conferencing.

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

The petitioner seeks bail in connection with Bibhutipur PS CAsE No. 331 of 2020, registered for the offence punishable under Sections 304-B and 201 of the Indian Penal Code.

The informant has alleged that his sister was married with petitioner's son nearly one year prior to the lodging of the FIR, wherein, there is allegation that informant's sister was being subjected to demand for dowry and subjected to torture on account of non-fulfillment of demand for dowry. On 06-11-2020 the FIR alleges that information was received



from the petitioner's family mobile regarding the killing of the informant's sister.

Learned counsel for the petitioner submits that by virtue of relationship, petitioner, who happens to be the father-in-law of the deceased, he has been implicated. There is no specific allegation against him. It has been inscribed on the FIR in the left column that it was registered on 10-11-2020 i.e. four days after the intimation regarding killing was received as per the FIR. He further submits that this FIR has finally been received in the Court on 18-11-2020, which is also apparent from bare perusal of first page of the FIR. These facts indicate false implication based on afterthought. The petitioner is in custody since 18.01.2022 though he has no antecedents.

Learned APP for the State has opposed the prayer for bail. It is submitted that since he is father-in-law, his role cannot be doubted.

Considering the rival submissions, sequence of events as per submission of petitioner's counsel and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.



Let the petitioner, above named, be released 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 learned SDJM Rosera, Dist. Samastipur, in connection with Bibhutipur PS Case No. 331 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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