

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66101 of 2021**

Arising Out of PS. Case No.-99 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

Jaishankar Sahani S/O Late Ramekawal Sahani R/O Village- Narwara, P.S.-
Tariyani, District- Sheohar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 31-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 498(A), 302, 201, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 31.08.2021, he is a person with clean antecedent and charge-sheet has been submitted in this case.

The learned counsel for the petitioner submits that the informant (Chaukidar) alleges that while he along with Rakesh Kumar were on duty in the night, they saw a ball of fire near Brahmsthan, when they reached at the place of occurrence, they saw that a woman was burning rather was burnt badly. They saw



Amit standing near his house along with 3-4 unknown persons and when help was sought from Amit along with unknown persons, then they fled. It is further alleged that on hulla, people came and the fire was doused. Thereafter, the informant went to the house of Amit and found articles scattered and smell of kerosene oil was also coming and further, no one was present in the house.

It is further alleged that on inquiry by people, who had gathered, they disclosed that Amit had performed love marriage with Ritu Sinha (deceased) and had three children out of the wedlock, but Amit suspected his wife's character and used to assault her badly, even though, it was the deceased, who was running the home by earning through tuition. It is further alleged that a day before the occurrence at 2.00 P.M., Amit had assaulted the deceased and on that day in the night, four persons had come. Further Amit along with persons had killed the deceased and put her body on fire and further that the neighbours identified the dead body as that of Ritu Sinha.

The learned counsel for the petitioner submits that petitioner has been falsely implicated based on the confessional statement of Amit. It is submitted that petitioner is also a resident of the same village to which Amit belongs. It is thus



submitted that the informant is a Chaukidar and had the petitioner being present at the place of occurrence along with Amit, then the informant definitely would have recognized, but the fact that the Chaukidar (informant) did not recognize the persons, who were with Amit that amply demonstrates that for some ulterior reason implicating innocent person. It is also submitted that the petitioner is aged about 60 years.

It is further submitted that co-accused Dashrath Chaudhary and Bhajju Baitha @ Ramchandra Baitha have been granted bail by order dated 10.02.2022 in Cr. Misc. No.52984 of 2021 and by order dated 31.03.2022 in Cr. Misc. No.65333 of 2021 respectively. It is submitted that though grant of bail to Dashrath Chaudhary was on a different consideration, but then one of the submissions taken into consideration by the Court for granting bail was Dashrath Chaudhary was also a resident of the same village to which the Chaukidar and Amit belonged.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case, co-accused persons have been granted bail and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named,



is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Tariyani P. S. Case No.99 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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