

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66119 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- RAUTARA District- Katihar

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Birendra Sahani, Son of Babulal Sahani, Resident of Devpura, P.S- Navkothi,
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rautara P.S. Case No. 60 of 2021 registered for the alleged offences under Sections 302, 201 and 34 of the Indian Penal Code.

As per prosecution case, the dead body of a minor girl was recovered from a canal. The petitioner is the father of the deceased and is alleged to have killed the girl.

The learned counsel for the petitioner submits that except for suspicion, there is nothing against this petitioner.



During course of investigation, nothing came up as cause or motive for the petitioner to commit such an offence. In fact the daughter of the informant used to regularly go to the canal for taking bath and on the fateful day, she got drowned and died. No external or internal injuries were found during post mortem and the doctor has opined that the cause of death is due to asphyxia as a result of drowning. Learned counsel further submits that the petitioner is a poor person and he is in custody since 10.07.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the dead body of the daughter of the informant was found floating in a canal and the petitioner did not make any report about missing of his daughter or her death.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that there is hardly any material to connect the petitioner with the alleged offence and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.



20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Rautara P. S. Case No. 60 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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