

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27863 of 2023

Arising Out of PS. Case No.-126 Year-2022 Thana- KALYANPUR District- Samastipur

Vikash Sahni @ Vikash Kumar Sahni @ Vikash Kumar Son Of Late
Ramchandra Sahni @ Ramchandra Sahni Resident Of Village - Pakridih, P.S.-
Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Kalyanpur P.S. Case No.126 of 2022 registered for the offence
under Sections 304-B/34 and 201/34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.11.2022.

The allegation against the petitioner is to cause death
of the daughter of informant alongwith other co-accused
perons/family members due to non-fulfillment of demand of
dowry as for unexplained amount of cash and also to torture
deceased physically on different occasions prior to this
occurrence.



Learned counsel appearing on behalf of the petitioner submitted that deceased/wife of petitioner was a lady of short temperament and out of normal matrimonial discord, she committed suicide after consuming poison. It is further submitted that last rite was performed with the consent of informant after giving prior information regarding occurrence and as such allegation to cause disappearance of dead body is only to aggravate the allegation. It is further pointed out by the learned counsel that narration of F.I.R. itself, suggests that demand of dowry and torture was much before the occurrence as after reconciling the issue deceased/wife gave birth to the son and as such, the important ingredient under Section 304-B of the Indian Penal Code is also not appearing available. While travelling over the argument it is submitted that nothing surfaced during the course of investigation, which may suggest that act of petitioner was so direct or active, which may force the deceased to commit suicide without leaving no other option. In support of his submissions, learned counsel relied upon the report of the Hon'ble Supreme Court in the matter of ***Gurcharan Singh v. State of Punjab*** as reported through **2016 SCC 1415**. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover,



investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as narration of F.I.R. suggests demand of dowry and physical torture much before the occurrence, where postmortem report of the deceased suggest that cause of death is out of consumption of poison without any external injuries coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.11.2022, accordingly petitioner, above named, is directed to be released on bail in connection with Kalyanpur P.S. Case No.126 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Samastipur/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

- (i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every



date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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