

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34908 of 2022

Arising Out of PS. Case No.-846 Year-2021 Thana- SARAIYA District- Muzaffarpur

Raj Mangal Sahni Son of Teni Sahni Resident of Village- Laxmipur
Bahilwara, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Sanjay Kumar @ S.K. Anjana, Advocate
For the Opposite Party : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Saraiya P.S. Case No. 846 of 2021 registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

As per the prosecution, the informant's daughter was murdered by this petitioner and co-accused persons and the dead body was cremated.

The main submissions advanced by learned counsel for the petitioner are that the marriage of the petitioner with the victim took place twenty-two years ago and admittedly there are

four children from their wedlock and the petitioner's son namely, Vicky Kumar who is stated to have seen the last physical torture allegedly committed by this petitioner with the victim, has been examined before the Trial Court and in his deposition he flatly denied the said allegation as to physically torturing to the deceased just before the happening of the alleged occurrence and during the investigation, the senior police official concluded that in between the petitioner and the deceased there was always a dispute of money and on the fateful day of the alleged occurrence the deceased herself committed suicide and the body of the deceased was cremated in a haste manner by the accused persons. Further submission is that in fact, the deceased died in the course of a medical treatment and she was cremated with the consent of her parental family members and the petitioner has been languishing in jail since 15.12.2021 and the allegation made by petitioner's son in the FIR is false and the same was tutored by the maternal family members of the son of the petitioner.

Learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly considering the petitioner's custody period and also the fact that admittedly the marriage between the petitioner and his wife took

place twenty-two years ago and senior police official concluded that on account of some money dispute between this petitioner and the victim she hanged herself, in the opinion of this Court, the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount to the satisfaction of concerned Court in connection with Saraiya P.S. Case No. 846 of 2021.

(Shailendra Singh, J)

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