

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39217 of 2022

Arising Out of PS. Case No.-129 Year-2020 Thana- MAHESI District- East Champaran

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Achhelal Sahani Son Of Nand Kishore Sahani Resident Of Village - Chaki
Ujhil Pur, P.S.- Mehasi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 14-02-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 239 of 2021 arising out of Mehasi P.S.

Case No. 129 of 2020, registered for the offences

punishable under Sections 304(B), 201 and 34 of the Indian

Penal Code.

The prosecution case as emerges from the F.I.R. is

that the marriage of the informant's daughter, namely,

Kanchan Kumari was solemnized with petitioner Achelal

Sahani, according to Hindu rites and customs in the month

of May, 2016. After some times, the husband and his family



members started torturing her for non-fulfillment of illegal demand of dowry and ultimately they killed her.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that one witness has already been examined and five are yet to be examined. He also submits that all the co-accused persons have already been enlarged on bail either by the Trial Court or by co-ordinate Benches of this Court.

He further submits that the petitioner has been languishing in jail since 15.06.2020.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the petitioner is husband of the victim and the victim has committed suicide admittedly within 7 years of marriage. As



such case is covered by Section 304B of the Indian Penal Code, which is punishable by not less than 7 years of imprisonment and the imprisonment may go upto life.

Considering the aforesaid facts and circumstances, particularly the nature of the allegation and material on record, I am not persuaded to enlarge the petitioner on bail at this stage.

This application is accordingly rejected.

However if the trial is not concluded within 6 months, the petitioner has liberty to renew his prayer for bail.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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