

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40664 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- SUGAULI District- East Champaran

1. Mohan Sahani Son Of Rajeshvar Sahani Resident Of Village- Belwatiya, Ps- Sugauli, Distt- East Champaran
2. Shakuntala Devi Wife Of Mohan Sahani Resident Of Village- Belwatiya, Ps- Sugauli, Distt- East Champaran
3. Sadanand Sahani Son Of Mohan Sahani Resident Of Village- Belwatiya, Ps- Sugauli, Distt- East Champaran
4. Sheokali Devi Wife Of Sadanand Sahani Resident Of Village- Belwatiya, Ps- Sugauli, Distt- East Champaran
5. Parman Sahani Son Of Late Rajeshvar Sahani Resident Of Village- Belwatiya, Ps- Sugauli, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard Mr. Shashank Shekhar, learned counsel for

the petitioner and the State.

The petitioners are apprehending arrest in connection with Sugauli P.S. Case No. 08 of 2023 instituted under under Sections 304B, 201, 120(B) and 34 of the Indian Penal Code lodged on 8.1.2023 by the informant, Jawahir Sahni.

As per the prosecution story, the informant got his



daughter married to Maghnand Sahani in 2020 but she was regularly subjected to torture for dowry and on 8.1.2023, he came to know about her death. Accordingly, the FIR.

It is the submission of Mr. Shashank Shekhar, learned counsel for the petitioner that all the petitioners are family members being father-in-law, mother-in-law, brother-in-law and sister-in-law (Gotni) as also the cousin father-in-law.

It is his further categorical submission/undertaking that the husband is going to surrender within next seven days.

Learned APP opposes the prayer stating that there is allegation against the accused persons also.

Considering the fact that they are family members, an undertaking has been given by the learned counsel for the petitioners that within seven days, the husband-accused, Maghnand Sahani will be surrendering before the Court below, FIR lodged and ultimately they will have to face the trial, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on



furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Sugauli P.S. Case No. 08 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) the petitioners to submit surrender certificate of Maghnand Sahani, the husband at the time of execution of bail bonds.

(ii) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(iii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iv) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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