

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4001 of 2023**

Arising Out of PS. Case No.-442 Year-2021 Thana- SARAIYA District- Muzaffarpur

BHOLA SAHANI @ MOHAN @ MOHAN SAHANI Son of Santlal Sahani
R/V- Vishunpur Basant, P.S- Saraiya, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 05-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.10.2022 in connection with Saraiya P.S. Case No. 442 of
2021, F.I.R. dated 18.06.2021 for the offences punishable under
Sections 304(B), 201, 120(B)/34 of the Indian Penal Code.

According to prosecution case, as per the FIR the
marriage of the informant's daughter was solemnized with the
co-accused / Vashudeo Sahni on 20.06.2018. After some time of
the marriage the in-laws of the informant's daughter started
demanding dowry and due to non fulfillment of the demand they
tortured the informant's daughter and killed her. On 16-6-2021
the informant came to know about the fact that his daughter has
been killed by her in-laws and her dead body has been thrown



somewhere.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has never demanded any dowry from the family member of the deceased. He further submits that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any assault or overt-act is attributed against the petitioner. He further submits that similarly situated, co-accused, namely, Santlal Sahni who is father-in-law of the deceased has been granted bail by a co-ordinate Bench of this Court vide order dated 05.05.2023 passed in Cr. Misc. No. 5568 of 2023 and another co-accused namely, Guria Devi who is sister-in-law of the deceased and wife of the petitioner has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 19.05.2023 passed in Cr. Misc. No. 9055 of 2023 against them the similar set of allegations. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 20.10.2022.

The learned Additional Public Prosecutor for the State



has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-4th, (West), Muzaffarpur in connection with Saraiya P.S. Case No. 442 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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