

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74669 of 2022

Arising Out of PS. Case No.-471 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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OM PRAKASH SAHANI Son of Late Banarsi Sahani R/V- Bhataha P.S-
Muffasil, Dist- 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, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-03-2023 Heard learned counsel appearing on behalf of the

parties.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 471 of 2020 registered for the offence under
Sections 324, 328, 304(B) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.08.2022.

The allegation against the petitioner is to cause death
of sister of informant along with other family member/co-
accused persons, due to non-fulfillment of demand of dowry, as
raised for Rs. 1,00,000/-.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is brother-in-law, living separately with deceased and her husband, having no connection with daily and domestic affairs of the deceased and her husband. It is appearing from the face of FIR that thrust of allegation as regard to cause death of sister of informant is available against the husband of the deceased and implication of this petitioner, in the present case, only for the reason that he is brother of the husband of the deceased. It is also submitted that allegation as regard to demand of dowry against this petitioner is very much general and omnibus in nature. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has already 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 State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is brother-in-law of the deceased, living separately, having no connection with daily and domestic affairs of deceased and her husband coupled with the fact that charge-sheet has already been submitted, let the petitioner, above



named, is directed to be released on bail in connection with Muffasil P.S. Case No. 471 of 2020, 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, Motihari, East Champaran/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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