

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6736 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- HARSIDHI District- East Champaran

1. GAURI SHANKAR SAHANI S/O- GOBARDHAN SAHANI R/O- VILLAGE- JHADAWA, WARD NO.- 10, P.S.- HARSIDHI, DIST.- EAST CHAMPARAN
2. SONA DEVI W/O- GAURI SHANKAR SAHANI R/O- VILLAGE- JHADAWA, WARD NO.- 10, P.S.- HARSIDHI, DIST.- EAST CHAMPARAN
3. ANIL SAHANI @ ANIL KUMAR SAHANI S/O- GAURI SHANKAR SAHANI R/O- VILLAGE- JHADAWA, WARD NO.- 10, P.S.- HARSIDHI, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhurendra Kumar
For the State	:	Mr. Nawal Kishore Prasad
For the informant	:	Mr. Sunil Kumar No. III

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-02-2024 1. Heard learned Counsel for the petitioners, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Harsidhi Police Station Case No. 395 of 2023, dated 17.06.2023, disclosing offences punishable under Sections 304-B/302/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 16.06.2023, at about 9 PM, the informant received information that her daughter, Prabhawati Devi,



had been killed by the petitioner and her dead body has been thrown.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in this case, along with other family members, including the husband of the deceased. He further submits that the date of marriage has not been disclosed in the First Information Report and the case has been registered under Section 304-B as well as 302 of the Indian Penal Code. Referring to the First Information Report, he submits that the daughter of the informant was killed by cutting her throat; whereas the post mortem examination report reveals the cause of death as asphyxia due to strangulation. He further submits that the husband of the deceased is already in custody.
5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the marriage has taken place on 28.04.2021 and within two years of marriage, the daughter of the informant has been killed in her matrimonial home.
6. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the fact that *prima facie*, the allegation is that the daughter of the informant was killed by cutting her throat; wheres the medical report shows that the cause of death is asphyxia due to strangulation, I am inclined to grant the petitioners privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Harsidhi Police Station Case No. 395 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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