

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16811 of 2024

Arising Out of PS. Case No.-424 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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1. Bhola Sahnai @ Bhola Sahani son of Ramdhari Sahani Resident of Village- Agarwa Chikni Ghat, Ward No. 38, P.S.- Town, District- East Champaran
 2. Anurag Sahani @ Arun Sahani Son of Rambabu Sahani Resident of Village- Ghoghraha (Bairiya), P.S.- Harsidhi, District- East Champaran
 3. Suganti Devi @ Sunaina Devi Wife of Ramdhari Sahani Resident of Village- Agarwa Chikni Ghat, Ward No. 38, P.S.- Town, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sutri Devi Daughter of Paras Sahani Resident of Village- Dhekha, P.S.- Keseriya, District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Town P.S. Case No. 424 of 2023, registered on 15.06.2023 for the offences under Sections 498(A), 364 and 34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

3. As per prosecution case, the daughter of the informant was married with co-accused Shiv Sahani. Allegation against the petitioners who are the brother, nephew and mother



of the co-accused Shiv Sahani, respectively, that they used to demand motorcycle and chain in dowry and used to torture the daughter of the informant. On non-fulfillment of their demand, they killed the daughter of the informant.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have been falsely implicated in the instant case. This is not a case of dowry death. No dead body has been recovered and it has come during investigation that the daughter of the informant ran away with some person and the present case has been lodged merely on suspicion. There is general and non-specific allegation against the petitioners who have been living separately from the co-accused husband of the deceased. Learned counsel further submits that the matter has been compromised between the parties and appropriate applications have been moved before the learned trial court and the informant admitted in the compromise petition that she filed the present case under misconception. The petitioners have no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits there is specific allegation against the petitioners for causing dowry death of the daughter of the informant.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioners to support the allegation against them and further considering possibility of false implication, let the petitioners, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari/concerned court in connection with Town P.S. Case No. 424 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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