

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32564 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- BARARI District- Katihar

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Bablu Sahani @ Bablu Kumar Sahani, Son of Kailash Sahani, Resident of
Village- Mohna Chandpur, Ward no- 13, P.S- Barari (Semapur), Dist- Katihar
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Kunwar Ajit Singh, Advocate
	Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard Mr. Kunwar Ajit Singh, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Barari (Semapur) P.S. Case No. 381 of 2023
registered for the offence punishable under Section 302 of the
Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that the marriage of sister of the informant was
solemnized with the petitioner five years ago. The couple also
blessed with two children from their wedlock. It is further
alleged that after the marriage, both the parties have always
been confronted to each other. On 06.12.2023, the petitioner
informed the informant that he has killed his sister. On the
aforenoted information, the informant rushed to the place of



occurrence and found the dead body of his sister and there was a ligature mark over her neck.

4. Learned Advocate for the petitioner contended that the F.I.R. has been instituted under Section 302 of the Indian Penal Code, neither the informant is an eye witness to the alleged occurrence nor there is specific allegation as how the petitioner killed his wife and, as such, the F.I.R. lacks ingredients of constituting an offence under Section 302 of the Indian Penal Code. It is further contended that in fact on the alleged date of occurrence, on account of some altercation between the husband and the wife, the deceased committed suicide. There is no eye witness to the alleged occurrence and moreover the date of occurrence is of 06.12.2023, but the F.I.R. has been instituted on the next day i.e. on 07.12.2023. There is no external injury found on the person of the deceased, which suggest that she was not subjected to any assault. Now the petitioner is in incarcerated since 08.12.2023.

5. On the other hand, learned APP for the State vehemently opposes the bail application and drew the attention of this Court to the post-mortem report that the cause of death is asphyxia, as a result of strangulation. In such circumstances, it cannot be ruled out that the deceased was done to death in her



matrimonial home by the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the post-mortem report and also the allegation made in the F.I.R. as well as the statement of the witnesses during the course of investigation, this Court is not persuaded to enlarge the petitioner on bail.

7. Accordingly, the prayer for grant of bail of the petitioner is rejected, for the present. However, the petitioner is at liberty to renew his prayer for bail after framing of charge.

(Harish Kumar, J)

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