

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49429 of 2023

Arising Out of PS. Case No.-390 Year-2021 Thana- KESARIA District- East Champaran

1. RITESH SAHANI @ RITESH KUMAR @ CHHOTELAL SAHNI Son of Banka Sahan Resident of village - Fultakiya, P.S. - Kesariya, Distt. - East Champaran
2. Rajkali Devi Wife of Ritesh Sahani @ Ritesh Kumar @ Chhotelal Sahni Resident of village - Fultakiya, P.S. - Kesariya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

10 10-04-2024 Heard learned counsel for the petitioners and the State.

2. The petitioners are apprehending arrest in connection with Kesariya P.S. Case No. 390 of 2021 instituted under Section 302/120B of the Indian Penal Code lodged on 8.11.2021 by the informant, Asha Devi.

3. As per the prosecution story, the informant alleged that her brother after selling truck returned to his in-laws house and later they got information that he is hanging from the tree. She apprehended that the deceased's wife along with her family members killed him. Accordingly, the FIR.

4. In this case, a coordinate bench had called for the



case diary which has since been received and as per paras-35 and 36, it has been recorded that the deceased sold a truck for Rs. six lakh and the amount was given to the wife. Later, when he demanded Rs. 40,000/-, was scolded which may have forced him to take ultimate decision to end his life. The charge-sheet has been accordingly submitted under section 306 of the IPC.

5. Learned counsel for the petitioners submit that it is not a case under section 302 and 120(B) of the IPC. Further, since he was residing in his in-laws' house, the entire family members have been implicated, after a normal verbal fight between the couple, the unfortunate incident took place. His sister herself has become a widow, they are brother and sister-in-law, have no role to play in the matter and further none of them have criminal antecedent. He further submits that all other accused persons including the widow, Lalita Devi have been extended the relief.

6. Learned APP opposes the prayer stating that even if section 306 IPC is accepted, the condition that forced him to take his life cannot be ignored.

7. Though, the death is unfortunate, now the charge-sheet has been submitted under section 306 of the IPC, the two petitioners are brother and sister-in-law, do not have criminal



antecedents, others have already been extended the relief, FIR lodged, charge-sheet submitted, they will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Kesariya P.S. Case No. 390 of 2021 to the satisfaction of learned J.M. 1st Class Sadar, Motihari, East Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;



(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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