

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51639 of 2024

Arising Out of PS. Case No.-427 Year-2023 Thana- VAISHALI District- Vaishali

1. Dhariya Devi @ Anita Devi @ Dhoriya Devi, W/o Sachindar Sahani @ Surendra Sahani, R/o Village- Mishroliya, P.S.- Vaishali, Belsar O.P., District- Vaishali
2. Pappu Sahani @ Pappu Kumar, S/o Keshwar Sahani @ Surendra, R/o Village- Mishroliya, P.S.- Vaishali, Belsar O.P., District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate Ms. Rabia Gulmaz, Advocate Ms. Shabina Talat, Advocate
For the State	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Dilip Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State as well as the informant.

2. The application for grant of bail to the petitioners who are in custody in connection with Vaishali (Belsar O.P.) P.S. Case No. 427 of 2023 registered for the offence punishable under Sections 341, 323, 302, 504, 506 and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that all the FIR named accused person including the petitioners, killed the deceased by strangulating her.



4. Learned Advocate appearing on behalf of the petitioners contended that the petitioner no. 1 is *gothni* of the deceased whereas, petitioner no. 2 is the nephew. Only on suspicion and pending land dispute the name of the petitioners have been implicated in this case. During the course of investigation it has come that in the morning on account of some family feud, a quarrel took place between the deceased and the petitioners, wherein the petitioners have assaulted the deceased thereafter the dispute was resolved. However, in the morning the dead body was found, who was done to death by strangulation. The FIR has been instituted by the father of the deceased, who is not an eye witness to the alleged occurrence. So far the son of the deceased whose statement has been recorded during the course of investigation, he has alleged that in the day time the petitioners assaulted his mother and later on, she was done to death by strangulation. But, from his statement, it does not appear that he was an eye witness on the point of strangulation. It is lastly contended that be that as it may, the petitioners are persons having fair antecedent and now the investigation is complete and the chargesheet has been submitted. The petitioners are in custody since 13.05.2024.

5. On the other hand, learned Additional Public



Prosecutor for the State vehemently opposes the bail application and submits that the son of the deceased was an eye witness to the alleged occurrence, who specifically alleged that it is the petitioners who caused the death of the deceased and which fact has also been corroborated by the post-mortem report. Since the husband of the deceased has been residing outside the town for the purposes of earning money, thus, he has not been made accused in this case and the entire evidence is pointed out about the complicity of the petitioners in the crime.

6. Regard being had to the specific accusation and the materials collected during the course of investigation as also the statement of the son of the deceased, this Court is not persuaded to enlarge the petitioners on bail for present, however, the petitioners shall be at liberty to renew their prayer for bail after framing of the charge.

(Harish Kumar, J)

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