

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57001 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- HATHAURI District- Muzaffarpur

1. Rajiv Sahni Son of Annu sahni Resident of Village- Thikahi, Ward No. 9, Sahila Rampur, P.S.- Hathauri, Distt.- Muzaffarpur
2. Nitish Kumar Son of Surendra Sahni Resident of Village- Nankar, P.S.- Rajepur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the Story	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-11-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Hathauri P.S. Case No. 43 of 2024 for the offences punishable under Sections 147, 149, 302, 201 and 120-B of the Indian Penal Code, lodged on 12.03.2024 by the informant, Rinku Devi.

3. As per the prosecution story, the informant alleged that the daughter (victim/deceased) was having in affair with co-accused Rohit and on 11.03.2024, she had gone outside to attend the nature's call, the accused persons ensured her killing as also cremation of her dead body, this led to the F.I.R.

4. The police investigated the matter and subsequently



some of the local villagers have narrated the story that it was infact the family members of the deceased who were taking the dead body to the field where the mortals were remains consigned to the flames.

4. Learned counsel for the petitioners submit that so far as the relationship part is concerned, it was with Rohit Kumar whereas these petitioners are his cousin brother and friend respectively and the omnibus allegation of killing/cremation of the dead body is/are assigned to him and other co-accused. The fact remains that it was the creation of her own family members, being resented by the relationship that the girl was having with Rohit Kumar which led to this unfortunate incident, they have remained in custody since 13.03.2024 (paragraph no.16 of the petition) and do not have criminal antecedent.

5. Learned counsel appearing on behalf of the informant though opposes the prayer for bail, has conceded to the fact that some of the locals have narrated a different story from what has been alleged in the F.I.R.

6. The Senior Superintendent of Police, Muzaffarpur is directed to look into matter and further assign the job to a Police Officer not below the rank of Deputy Superintendent of



Police to personally monitor/supervise the entire case. A young girl has lost her life, those who have ensured her killing as also cremation of her body cannot be allowed to go scot free whether it is the accused persons who have been implicated by the informant and/or the family members who executed the entire episode as has come in the case diary.

7. So far as these petitioners are concerned, taking into all the aforesaid facts including their period of custody, they have no criminal antecedent, this Court is inclined to extend them the privilege of bail.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Hathauri P.S. Case No. 43 of 2024, subject to the following conditions:

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

(ii) the petitioners shall appear on each and every date before the Trial Court 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners shall in now 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 bail bonds.

9. Let a copy of the order be sent to the office of the Senior Superintendent of Police, Muzaffarpur for his perusal and immediate action in the present case.

(Rajiv Roy, J)

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