

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64581 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- MADHUBAN District- East Champaran

1. Baldeo Sahani, Son Of Late Jailal Sahani Resident Of Village - Bhelwa, P.S. - Madhuban, District - East Champaran
2. Sindhu Devi, Wife Of Baldeo Sahani Resident Of Village - Bhelwa, P.S. - Madhuban, District - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 15-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 302, 304(B), 201 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.2 is a woman and have been falsely implicated in the instant case by the informant based on suspicion. It is next submitted that the informant, who is mother of the deceased, alleges that her daughter was married to Ajay Sahani in the Year 2022 and after the marriage, the accused persons including the petitioners



started demanding motorcycle and cash of Rs.One Lac as dowry and on account of non-fulfilment of the demand, the accused persons committed cruelty and torture with the daughter of the informant followed by assault. Further, on 08.04.2023, the son-in-law of the informant informed him through mobile that he has committed murder of his daughter. Accordingly, the informant went to the place of occurrence, but did not find anyone.

4. The learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant is not an eye witness to the occurrence. It is further submitted that it absolutely does not stand to reason that as to why the husband of the deceased would have called the informant informing that he has killed the victim and thus, would have created evidence against himself and hence, would have been implicated easily. It is next submitted that this appears to be an exaggerated allegation, but then, fairly submits that daughter of the informant has died, but whether she was killed or she died is an aspect of investigation. It is next submitted that petitioner no.1 is elder brother in-law and petitioner no.2 is sister in-law (Gotni) of the deceased and petitioner no.2 has a disability of 45 per cent in her right leg as



would manifest from the disability certificate annexed as Annexure-2. It is also submitted that petitioners are separate in mess and property from the husband of the deceased and whenever any occurrence of the nature, as alleged, takes place, the entire family members are implicated in a mechanical manner with general, omnibus and ornamental allegation. It is also submitted that petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Madhuban P. S. Case No.156 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any



application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioners, despite giving assurance to this Court, are not cooperating in the investigation or are not presenting themselves as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

