

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68027 of 2023

Arising Out of PS. Case No.-160 Year-2021 Thana- PAROO District- Muzaffarpur

Santu Sahani Son Of Late Daya Sahani Village- Bhagawatpur, Ps- Paroo,
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Suman, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 21-06-2024 Heard the learned counsel for the
petitioner and the learned APP for the State.

2. The petitioner seeks regular bail in
connection with Paroo P.S. Case No.160 of 2021
registered for the offences punishable under
Section 304-(B)/34 of the Indian Penal Code.

3. The allegation is regarding the accused
persons including the petitioner being involved in
killing the daughter of the informant on account
of non-fulfillment of the demand for dowry.

4. The learned counsel for the petitioner
has submitted that the petitioner is innocent, he
has been falsely implicated in the present case, he
is having a clean antecedent and he is languishing



in custody since 14.07.2022.

5. The learned counsel for the petitioner has further submitted that the actual fact is that no body has killed the daughter of the informant and in fact, she had caught fire while preparing food, resulting in her death on account of burn injuries, nonetheless admittedly the petitioner and other family members had rushed the daughter of the informant to the hospital and after her unfortunate death, her last rites were performed in an amicable environment. It is next contended that the incident in question took place on 27.12.2020 and the daughter of the informant died on 29.12.2020, however, the FIR has been filed with oblique motives only after lapse of more than five months on 13.05.2021, which shows the falsity of the case of the prosecution. Lastly, it is stated that as far as the petitioner is concerned, he is the father-in-law of the deceased lady and no specific role has been attributed to him, apart from the fact that similarly situated mother-in-law and sister-in-law of the husband of the deceased have already been



granted the privilege of bail, vide order dated 02.05.2023, passed in Cr. Misc. No. 72067 of 2022.

6. *Per contra*, the learned Additional Public Prosecutor appearing for the State has vehemently opposed the prayer for bail, but it has not been demonstrated from the case-diary that any cogent evidence regarding the complicity of the petitioner in the alleged occurrence has been collected during the course of investigation.

7. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court find that there is minuscule evidence on record as also in the case-diary to *prima facie* show the complicity of the petitioner in the alleged occurrence, apart from the fact that the FIR has been filed belatedly after more than five months and during the interregnum period, neither any complaint has been made nor any witness has come forward to level any allegation against the accused persons, including



the petitioner herein, hence I find that the present case is a fit case where the petitioner ought to be admitted to the privilege of bail.

8. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Paroo P.S. Case No.160 of 2021.

(Mohit Kumar Shah, J)

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