

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66131 of 2025

Arising Out of PS. Case No.-188 Year-2005 Thana- LALGANJ District- Vaishali

Mahendar Sahani, aged about 70 years, Male, Son of Late Ram Swarup Sahani, Resident of village- Salempur P.S.- Lalganj District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Lalganj P.S. Case No. 188 of 2005 instituted for the offences punishable under Sections 498(A), 304(B) and 120(B) of the Indian Penal Code.

3. As per the prosecution case, the informant married his sister with co-accused Baleshwar Sahani and after marriage his sister went to her Sasural where all the accused persons demanded Rs. 11,000/- and due to non-fulfillment of dowry demand informant's sister was subjected to torture and cruelty due to which his sister has been killed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to ulterior motive. He



submits that the petitioner is the 'Bhaisur' of the deceased and living separately from the husband of the deceased. He further submits that petitioner is an old person and suffering from old ailments. He submits that no occurrence has ever taken place as alleged by the prosecution in this case. He next submits that informant's sister was died during pregnancy. He lastly submits that there is no specific allegation against the petitioner and the allegation is general and omnibus in nature and the instant case has been filed to harass the petitioner. There is no any eye witness of the alleged occurrence. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 30.06.2025

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the FIR and also perused the impugned order dated 29.07.2025 passed by the learned Principal District and Sessions Judge, Vaishali at Hajipur, it appears that on the basis of complaint petition and the order of the learned CJM, FIR has been registered under Sections 498(A), 304(B) and 120(B) of the Indian Penal Code against four accused persons including the present petitioner. After investigation police submitted chargesheet against the accused



persons including the petitioner under Sections 498(A), 304(B) 120(B) IPC. From perusal of the impugned order, it also appears that petitioner is absconding and declared as absconder by the learned Magistrate in the year 2006 and his appearance procured after his arrest by the police on 13.06.2025 and after issuance of process against him by the learned Trial Court. It also appears that his Anticipatory Bail has been rejected in the year 2018 but petitioner has not surrendered before the learned Trial Court and further absconding from seven years, so in my view, if the petitioner is released on bail, the trial of this case is affected. So, considering all these aspects of the case and submission of learned counsel for the petitioner and status of the present case, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

8. If the petitioner completes one year in custody and the trial of the petitioner is not concluded within a stipulated period, then the petitioner may renew his prayer for bail before the learned Trial Court.

(Ramesh Chand Malviya, J)

Anand Kr.

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

