

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72991 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- SIMRA District- West Champaran

Kallu Sahani @ Dhananjay Kumar, age about 20 years, Male, S/o Uma Sahani, R/o Village- Medraul, P.S.- Semara, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate and Mr. Sanjay Kumar, Advocate
For the Informant	:	Mr. Vijay Kumar Singh No. 1, Advocate
For the State	:	Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 17-03-2025 Heard learned senior counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Semra P.S. Case No. 42 of 2024 dated 05.06.2024 registered for the offences punishable under Section 302 read with Section 34 of the I.P.C.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have committed murder of the informant's wife on account of kidnapping of the accused Chhotte Sahni's daughter by the informant's son as there was love affair between them.



4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no eye witness to the alleged occurrence. The informant and his brother have only suspected the involvement of the petitioner in the alleged offence. The alleged occurrence took place on 04.06.2024 as to when the F.I.R. has been lodged on 05.06.2024 and the delay in lodging of the F.I.R. has not been explained by the prosecution. It is submitted that the deceased has committed suicide herself due to frustration. It is further submitted that the learned court below has committed error of record by saying that the hands and legs of the deceased were tied whereas during the course of investigation, the brother of the informant Tapan Halder has specifically stated that only her legs were tied. There is general and omnibus allegation against the petitioner. It is further submitted that the petitioner's side has also filed criminal case for missing of the minor daughter of the co-accused Chhote Sahni. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.06.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the



petitioner. Learned counsel for the informant has further submitted that the petitioner is named in the F.I.R. and he alongwith the co-accused persons have committed murder of the informant's wife and hanged the dead body in the informant's house. It has further been submitted by learned counsel for the informant that in paragraph no. 130 of the case diary, it has been mentioned that during the course of investigation, from perusal of S.D.R. of Mobile No. 8873926928 which is registered in the name of the co-accused Chhotelal Sahani and Mobile No. 7480960411 which is registered in the name of the co-accused Suresh Sahani, the tower location of both mobiles were nearby the alleged occurrence.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Bagaha, West Champaran in connection with Semra P.S. Case No. 42 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which



on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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