

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74694 of 2024

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

1. Bhola Sahani, aged about 32 years, Male, S/o Late Malu Sahani, R/o Village- Semra Medraul, P.S.- Semra, District- West Champaran.
2. Suresh Sahani, aged about 38 years, Male, S/o Late Malu Sahani, R/o Village- Semra Medraul, P.S.- Semra, District- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Krishna Kumar Singh, Advocate
For the Opposite Party : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 21-03-2025 Heard learned senior counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek 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 petitioners and the co-accused persons are alleged to have committed murder of the informant's wife on account of kidnapping of the accused Chhote Sahni's daughter by the informant's son as there was love affair between them.

4. Learned senior counsel for the petitioners has



submitted that the petitioners are innocent and have falsely been implicated in the present 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 petitioners 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 petitioners. It is further submitted that the petitioners' side has also filed criminal case for missing of the minor daughter of the co-accused Chhote Sahni. It is further submitted that the other co-accused Kallu Sahani @ Dhananjay Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 72991 of 2024 under order dated 17.03.2025. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner no.1 is in custody since 15.06.2024 and the petitioner no. 2 is in



custody since 10.06.2024 in this case.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for bail petition of the petitioners. Learned counsel for the informant has further submitted that the petitioners are named in the F.I.R. and they alongwith the other 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 Sahni and Mobile No. 7480960411 which is registered in the name of the co-accused Suresh Sahni (petitioner no. 2), 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, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. Bagaha, West Champaran in connection with Semra P.S. Case



No. 42 of 2024 with further condition:-

I. The petitioners are 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 petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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