

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.89676 of 2024**

Arising Out of PS. Case No.-692 Year-2023 Thana- HARSIDHI District- East Champaran

Upendra Sahani S/o Krishna Sahani Resident of Village- Panapur, Khalwa  
Tola ward no. 12, P.S.- Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Nityanand, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

5      01-07-2025                      Heard the learned counsel for the petitioner and the  
  
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 304-B, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the marriage of the daughter of the informant was solemnized with Upendra Sahani (petitioner) on 13.05.2021 and after the marriage it is alleged that petitioner and other accused persons started demanding dowry and cash. On account of non-fulfillment of the same, the daughter of the informant had been murdered by the petitioner and others.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. He further submits that the death of his wife had occurred on account of prolonged illness. It has next been submitted that the in-laws of the petitioner was well aware of such disease, however, on the instigation of others, the present case has been lodged. The learned counsel submits that there is general and omnibus allegation and only a suspicion has been raised that the petitioner was involved in killing of the daughter of the informant. The learned counsel for the petitioner submits that he is filing a supplementary affidavit today in the court by which the deposition of three prosecution witnesses had been brought on record and from perusal of the same especially, of the informant, namely, Champa Kunwar, it would be evident that she had not supported the prosecution case and had admitted the fact that her daughter had died on account of the illness. The deposition also states that the petitioner and other in-laws had never tortured her daughter for non-fulfillment of demand of dowry. Lastly, it has been submitted that petitioner has clean antecedent and he is in custody since 11.06.2024.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that wife of the petitioner was killed by the petitioner and others.



6. Considering the aforesaid submissions and taking into account that the informant has not supported the case of the prosecution in her deposition during the course of trial and also considering the fact that all the prosecution witness have not been examined till date, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Harsidhi P.S. Case No. 692 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the



above-mentioned order shall not be delayed for purpose of or in  
the name of verification.

(Sourendra Pandey, J)

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