

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10434 of 2024

Arising Out of PS. Case No.-120 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Sunil Sah @ Sunil Kumar S/o Kishun Sah Resident of Village -Sirsi, P.S.-
Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Mukesh Sahu s/o- Shankar Sahu, Village - HIRAMIYA, P/S - ROSEIRA ,
Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

10 16-04-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bibhutipur P.S. Case No. 120 of 2020 registered for the offences punishable u/s 201, 304-B read with Section 34 of the Indian Penal Code.

3. The prosecution story is to the effect that the informant's sister, namely, Shobha Devi was married to one Sunil Sah (petitioner) around six years ago. It was further alleged that after the marriage, the petitioner and other family members were demanding a motorcycle, cash and jewellery and due to non-fulfillment of such demand, the petitioner murdered the informant's sister. The informant has also alleged that his



sister's dead body was also disposed of by the accused persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that there is no specific allegation against the petitioner who has committed murder of his wife (the informant's sister) and there is no eyewitness to the said incident and the parties have compromised and have also filed the application before the court below; however, since the offences are non-compoundable the trial is still proceeding. It is next submitted that from perusal of the deposition of the informant, namely, Mukesh Sah, it is evident that he has accepted in his cross-examination in para 7 that the matter has been compromised between the parties, however, nothing specific has been alleged against anybody and nothing has been elicited in the cross examination. It is lastly submitted that the petitioner has clean antecedent and is in custody since 24.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and submitted that there is specific allegation against the petitioner and others who have killed the sister of the informant and have disposed of the body, hence, he should not be granted the liberty of bail.



6. Considering the aforesaid facts and circumstances of the case and taking into account the deposition of the informant, namely, Mukesh Sah, wherein he has specifically stated in para 13 that the petitioner had never demanded dowry from the informant's sister and also the fact that the informant has not specifically stated that it was the present petitioner who was directly involved in the incident of murder of his sister, namely, Shobha Devi, let the petitioner above-named, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Samastipur, in connection with Bibhutipur P.S. Case No. 120 of 2020.

7. However, it is made clear that the petitioner shall cooperate in the investigation and in case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the Trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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