

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49722 of 2014

Arising Out of PS.Case No. -65 Year- 2014 Thana -JANDAHA District- VAISHALI(HAJIPUR)

- =====
1. Bipin Giri S/o Late Chandeshwar Giri
 2. Pinku Giri S/o Late Chandeshwar Giri
 3. Birju Giri s/o late Lallu Giri All resident of village- Rasalpur P.S. -
Jandaha Distt.- vaishali

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Mukesh Kumar No-1

For the Opposite Party : Mr. Ajay Kumar No.2 (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 20-05-2015 Heard learned counsel for the petitioners and the

APP for the State.

The three petitioners herein along with five others

have been named in the FIR lodged by the wife of the deceased

vide Jandaha P.S. case no. 65 of 2014 instituted under Sections

302 and 328/34 of the IPC.

The allegation is that the husband of the informant

went to the house of Sundeshwar Giri for taking his money back

where the accused persons captivated and assaulted him

imputing that he had developed illicit relationship with the

wife of Sundeshwar Giri. He was made to consume poison and

thereafter locked inside the room. The matter was informed to the

police by the villagers whereafter he was removed from the house and admitted to hospital where he died.

The contention of the petitioners is that the police submitted final form against them. It is also submitted that the doctor who conducted the post mortem examination did not find any external injury on the person of the deceased.

Learned APP, on going through the case diary, points out that the opinion of the doctor about the cause of death of the victim has been reserved. It is surprising how without obtaining the report the final report was submitted. Counsel for the petitioners tried to convince this Court with reference to the statement of the informant made at least six months after the occurrence under Section 164 of the Cr.P.C. wherein she exonerated the petitioners and other accused stating therein that the matter has been compromised.

In my view, petitioners do not deserve the privilege of anticipatory bail. Prayer is rejected. In case they surrender and pray for regular bail before the learned Court below, the same shall be considered and disposed of on its own merit uninfluenced in any manner by the present order.

(Kishore Kumar Mandal, J)

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