

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26232 of 2018

Arising Out of PS.Case No. -40 Year- 2016 Thana -
SIDHWALIA District- GOPALGANJ

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Rajendra Giri, S/o Late Shiv Shankar Giri, R/o Village-
Jamo Mathia, P.S.- Jamo Bazar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Awadhesh Giri, S/o Late Kalika Giri, R/o Village- Larouli
Mathiya, P.S.- Sidhwalia, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-05-2018 The petitioner/informant seeks cancellation of bail of
O.P. No. 2, who is father-in-law of the deceased, which was
granted to him vide order dated 16.02.2017 passed by the
learned District & Sessions Judge, Gopalganj in B.P. No. 79 of
2017 in connection with Sidhwalia P.S. Case No. 40 of 2016
which has been instituted for the offence under Section
304(B) and 34 of the Indian Penal Code.

The O.P. No. 2 is alleged to have participated in the
killing of the deceased.

The impugned order reflects that the bail was granted
to O.P. No. 2 on account of certain entries in the case diary
and because of the relationship of the O.P. No. 2 with the



deceased. The O.P. No. 2 had remained in custody since 22.12.2016, which fact also weighed with the Court below in granting bail to him on 16.02.2017.

The learned counsel for the petitioner has submitted that the entry in para 16 of the case diary was taken into account for granting bail to the husband of the deceased.

This Court doubted the correctness of the order so far as the husband of the deceased was concerned and cancelled his bail vide order dated 28.03.2018 (Annexure-4).

The case of the husband of the deceased is certainly different from that of the other accused persons. The husband is enjoined with bigger responsibility of protecting his wife.

However, this Court does not find any reason to interfere with the order dated 16.02.2017 whereby the bail has been granted to O.P. No. 2, who is father-in-law of the deceased.

Finding no merits in the petition, this petition is dismissed.

(Ashutosh Kumar, J)

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