

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5436 of 2019

Arising Out of PS. Case No.-232 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

1. Rajesh Giri s/o Vijay Giri Resident of Singhasani, P.O.- Khojahati, P.S.- Baikunthpur, District - Gopalganj
2. Rupesh Giri Vijay Giri Resident of Singhasani, P.O.- Khojahati, P.S.- Baikunthpur, District - Gopalganj
3. Suresh Giri Vijay Giri Resident of Singhasani, P.O.- Khojahati, P.S.- Baikunthpur, District - Gopalganj
4. Vijay Giri Late Chhathu Giri Resident of Singasani, P.O.- Khojahati, P.S.- Baikunthpur, District- Gopalganj
5. Remphul Devi @ Remphal Devi @ Ramphul Devi Rajesh Giri Resident of Singasani, P.O.- Khojahati, P.S.- Baikunthpur, District - Gopalganj
6. Urmila Devi Vijay Giri Resident of Singasani, P.O.- Khojahati, P.S.- Baikunthpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashish Giri

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 17-07-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks to withdraw the present anticipatory bail petition, *qua* the petitioner no. 3, i.e. the husband of the deceased victim lady, since he has surrendered and is in custody.

Accordingly, the present petition for anticipatory bail, *qua* the petitioner no. 3 stands dismissed as withdrawn.



This is an application for grant of anticipatory bail in connection with Baikunthpur PS case no. 232 of 2018 registered for the offences punishable under Sections 304B, 201/34 of Indian Penal Code.

The allegation levelled in the present case is regarding the petitioners herein having killed the deceased victim lady for want of dowry and ultimately, they kept the body of the deceased girl along with her dead infant baby of 10 months on the railway track.

The learned counsel for the petitioners submits that the present case is a case of suicide, inasmuch as even the post mortem report shows that the death is on account of receiving injury by hard and blunt substance. It is further submitted that infact the driver of the train, vide Annexure-2 of the present petition, had given information to the concerned authorities of the railways that one lady had suddenly laid down on the railway tracks and the unfortunate incident took place. The learned counsel for the petitioner further submits that as far as the husband of the deceased victim lady is concerned, he is the petitioner no. 3 and he has already surrendered before the learned trial court on 05.07.2019, as is apparent from Annexure-4 to the supplementary affidavit filed in the present



case. It is further submitted that petitioners no. 1 and 2 are the brothers of the husband of the deceased- lady while petitioner no. 4 is the father of the petitioner no. 3, petitioner no. 5 is the sister of the petitioner no. 3 and the petitioner no. 6 is the mother of the petitioner no. 3. It is further submitted that there is no direct allegation as far as petitioners no. 1,2 and 4 to 6 are concerned. Lastly, it is submitted that since the husband of the deceased victim lady has already surrendered, there is no chance of the other petitioners either fleeing away or not cooperating in the trial.

Per contra, the learned counsel for the informant has submitted that the present case is a case of gruesome murder of deceased lady and her infant child, hence the petitioners do not deserve the privilege of anticipatory bail, however since the husband of the deceased victim lady has already surrendered, this Court may take its own view without being prejudiced by the case of the prosecution.

Considering the facts and circumstances of the case, I deem it fit and appropriate to admit petitioners no. 1, 2 and 4 to 6 to the privilege of anticipatory bail. Accordingly, petitioners no. 1, 2 and 4 to 6, in the event of their arrest or surrender before the court below within a period of six weeks from the



date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur PS case no. 232 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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