

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39058 of 2019

Arising Out of PS. Case No.-626 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Vinay Giri @ Vinay Kumar Giri, Male, aged about 25 years, Son of Late
Satyadeo Giri, resident of Village Banyari, P.S. Pipra Kothi, Dist. East
Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Motihari Town P.S. Case No. 626 of 2018 registered for the
offence under Section 365, 120B and 34 of the Indian Penal
Code.

The prosecution story as per the First Information
Report is that the wife of the informant was working as a Clerk
in the City Civil Court, Motihari and on the date of occurrence
i.e. on 21.08.2018 she returned back from her work at 4.30 P.M.
and after some time she got a call on her mobile and then she
said to the informant that she was going to Janpaul Chauk to



meet one Vinay Giri. When the deceased did not come back, the informant around 9.00 P.M. made a call on her mobile nos. – 7461800359 and 9661658959, however, the numbers were found switched off. It has further been alleged that informant started searching her wife and during search the informant came to know that Vinay Giri i.e. the petitioner, was continuously in touch with his brother -Pravin Giri and his father - Daya Giri, who were old enemies of the informant and her wife. The informant has named altogether five persons including the petitioner for kidnapping of his wife under conspiracy. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive. Learned counsel for the petitioner further submits that in fact the dead body of the wife of informant was found by Village Chaukidar, who lodged an F.I.R. bearing Sugauli P.S. Case No. 352 of 2018, registered for the offence under Section 302/201 of the Indian Penal Code against unknown persons. Learned counsel further submits that the present F.I.R. has been lodged after lapse of about fifteen days from the date of occurrence only with intention to implicate the petitioner and others due to oblique motive inasmuch as Kamlesh Giri is the brother- in-law of the petitioner and the sister of the petitioner had died and the said Kamlesh



Giri performed second marriage. Learned counsel further submits that during the course of investigation the daughter of the deceased has stated that on the date of occurrence the deceased had received call on her mobile and she told her daughter that she was called by one Kamlesh Giri.

On other hand, learned counsel appearing for the State referring to the case diary submits that there is no C.D.R. that the petitioner had called the deceased on her mobile phone and the petitioner has only been implicated on the basis of suspicion.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the fact that no cogent material has been brought on record to connect the petitioner with the present offence and further F.I.R. was lodged after delay of fifteen days, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, Vinay Giri @ Vinay Kumar Giri in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town



P.S. Case No. 626 of 2018, subject to the condition as laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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