

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64544 of 2018

Arising Out of PS. Case No.-255 Year-2017 Thana- DARIYAPUR District-
Saran

- =====
1. Manu Giri S/o Late Uday Shankar Giri
 2. Urmila Kuwar, Wife of Late Uday Shankar Giri, Both Residents of Village-
Puyare Math, P.S. Dariyapur, District- Saran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bimalesh Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 08-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 304B/34 of the Indian Penal Code registered in connection with Dariyapur P.S. Case No. 255 of 2017.

3. It is submitted that the petitioners have been falsely implicated merely because they happen to be the husband and mother-in-law respectively of the deceased, latter being a lady of advanced aged of about 75 years. The F.I.R. has been instituted merely on suspicion and there are eye witnesses to the alleged occurrence.

4. Considering that the post mortem report discloses ligature mark on the neck of the deceased and the cause of death shows as asphyxia due to hanging, this Court is not inclined to grant the privilege of bail to the petitioner no. 1- husband. The anticipatory bail petition of petitioner no. 1 stands dismissed.



5. As regards petitioner no. 2, considering that she is a lady of advanced age of about 75 years, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner no. 2 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-4, Chapra (Saran) in connection with Dariyapur P.S. Case No. 255 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner will be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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