

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6303 of 2020**

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

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KAMLESH GIRI Son of Nathuni Giri Resident of Village- Sohanpra, P.S.-
Pipra, District- East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr.Ansar Ul Haque, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-07-2020 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

Petitioner, in the present case, is seeking anticipatory bail
in connection with Motihari (Town) P.S. Case No. 626 of 2018
registered for the offences under Sections 365/120B/34 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
deceased wife of the informant was working as a Clerk in the Civil
Court and as per the First Information Report she left her house on
21.08.2018 at about 4:30 P.M. saying that she had to go to the co-
accused Vinay Giri to obtain some papers relating to a case. When
she did not return after 9:00 P.M. and her both mobiles coming
switched off the informant started searching out his wife and in
course of that he gathered information that co-accused Vinay Giri
was regularly coming to the brother of Praveen Giri and his father



Daya Giri with whom wife of the informant had got enmity. The informant alleged that he believed that the co-accused Vinay Giri along with other named accused including this petitioner had kidnapped his wife.

Learned counsel submits that this F.I.R. has been lodged after 15 days of the missing of the wife of the informant. It is further submitted that prior to lodgment of the present case dead body of the wife of the informant was found in an area falling under Sugauli Police Station. It is submitted that in course of investigation no material has been collected by the I.O. to connect the petitioner in the present case. It is also submitted that the co-accused Vinay Giri has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 39058/2019 and a statement to this effect has been made in paragraph '11'.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but having regard to the facts and circumstances of the case as also the materials available on the record wherein nothing has been collected so far to connect the petitioner in the present case and the co-accused has already been granted privilege of anticipatory bail by a learned coordinate Bench of this Court as also there is a huge delay in lodgment of the F.I.R., let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Motihari Town P.S. Case No. 626 of 2018 be released on bail on



furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

