

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17139 of 2020

Arising Out of PS. Case No.-869 Year-2019 Thana- HAJIPUR District- Vaishali

MOTI LAL GIRI S/o Rambarai Giri Resident of Rahipur (Mubarakpur) , P.S.
Madhaura, District Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas

For the Opposite Party/s : Ms.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-09-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Ms.Indu Kumari Srivastava, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hajipur Town PS case no. 869 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307, 498A, 504/34 of Indian Penal Code and 3/4 of Dowry Prohibition Act.

The case of the prosecution in brief is that on 24.09.2019 at 3.30 pm, while the informant was constructing a garage near his house, he heard alarm being raised by his sister, whereafter the informant had gone towards his house, however



on the way, the husband of his sister, the petitioner herein and three unknown miscreants had surrounded him, whereafter the petitioner had ordered his son to kill the informant and then the son of the petitioner had inflicted knife blow on the informant, however on alarm being raised, the villagers had come and caught the son of the petitioner. It is further alleged that when the wife of the informant had come, she was also assaulted by the son of the petitioner. Lastly, the complainant has alleged that the accused persons had committed the aforesaid occurrence on account of greed for dowry.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the main culprit is the son of the petitioner, who might have committed the alleged occurrence, however the petitioner has got no complicity in the alleged occurrence and moreover, the said son of the petitioner has already been arrested and is in custody.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the fact that the son of the petitioner is already behind bars, I deem it fit and appropriate to



admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his 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, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town PS case no. 869 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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