

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18944 of 2020**

Arising Out of PS. Case No.-301 Year-2019 Thana- AMNAUR District- Saran

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MUKESH GIRI Son of Meghnath Giri Resident of Village - Bishunpura, P.S.-
Amnaur, District- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh,Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 15-10-2020 Heard learned counsel for the petitioner and Mr. Md.
Matloob Rab, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Amnaur P.S. Case No. 301 of 2019 registered for the offences punishable under Sections 304(B)/201 of the Indian Penal Code.

Earlier vide order dated 09.06.2020, this Court had granted provisional bail to the petitioner. Learned counsel for the petitioner has filed a copy of the order dated 03.10.2020 passed by the court of learned A.C.J.M. at Chapra and it is his submission that the petitioner has already surrendered and is in custody.

It is pointed out that although in the first information report it is alleged that the daughter of the informant was being



tortured by her mother-in-law and nanad and the petitioner being son-in-law of the informant was beating the daughter of the informant as also she was being threatened that she would be killed but from the materials collected in course of investigation, it would appear that the supervising authority of this case has noticed in paragraph '35' of the case diary that some of the villagers were saying about the modern nature of the girl and her prior relationship as also that the villagers told the investigating agency that the victim girl had left the house of this petitioner and fled away with her paramour and this took place when this petitioner had gone to watch orchestra programme on 10.10.2019.

Learned counsel submits that in paragraph '35' of the case diary the supervising authority has clearly opined that any view with regard to accusations would be taken only after the I.O. would conduct the investigation on the certain points as per the direction of the supervising authority.

Several directions were given to the I. O. to complete the investigation on different aspects of the matter but then the submission is that the I. O. did not complied with any of the directions. This petitioner surrendered in the court below on 07.01.2020 and only when he was likely to get a default bail



because of non-filing of the chargesheet, the I. O. submitted a chargesheet against the petitioner under Section 304(B) IPC.

Learned counsel has emphatically submitted that this was done even though there was specific direction of the supervising authority to do investigation of certain points.

Submission is that till now there is no material showing the complicity of the petitioner in the alleged offence.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is his submission that the I.O. went to the village to find out any material regarding the alleged love affair of the victim but in paragraph '17' of the case diary it has come that no information could be gathered in this regard by the I.O. The I.O. found that on 10.10.2019 there was an orchestra programme in the village.

In paragraph '10 of the case diary though the call details of the mobile of the petitioner has been obtained showing that three calls were made on that date but the numbers on which the calls were made are still awaiting for verification. It is not controverted by learned APP that in paragraph '35' of the case diary the supervising authority had directed the I. O. to do investigation on certain aspects but those directions have not been complied with while the investigation as regards the other



accused remained pending, a chargesheet was filed against the petitioner because he was in jail and in case of non-filing of chargesheet, he would have got the benefit of default bail.

Having regard to the facts and circumstances of the case and the views expressed by the supervising authority in paragraph '35' of the case diary, there being no material otherwise pointed out from the case diary to show that the direction of the supervising authority were complied with and that any material was collected against this petitioner by the I. O. and the petitioner has otherwise no criminal antecedent, this Court is inclined to grant regular bail to the petitioner. Let the petitioner above named 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 A.C.J.M. 2nd, at Chapra in connection with Amnaur P.S. Case No. 301 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such 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 or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application stands disposed of.

(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'.

