

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22266 of 2020

Arising Out of PS. Case No.-308 Year-2018 Thana- MADHAURAH District- Saran

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OM GIRI @ MUNNA GIRI, Son of Late Raghubans Giri, Resident of Village
- Salimpur, P.S.- Marhowrah (Gaura O.P.), District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-08-2020 The matter has been taken up through virtual Court proceeding.

Since the Court is not functional in physical mode due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the bench.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner has preferred the present application for



grant of bail in a case registered for the offence punishable under Sections 328 and 302/34 of the Indian Penal Code.

The prosecution case as per the written report of Prem Prakash Puri submitted before the S.H.O., Marhowrah (Gaura O.P.) is to the effect that the informant's daughter Urmila Devi was married with the petitioner Om Giri about 10 years prior to lodging of the present case. Subsequent to the marriage, the married couple were blessed with two children, but thereafter, the sister of the informant was being tortured by her in-law's family members. On 03.07.2018, the informant came to know that his sister has been poisoned to death by the petitioner and his mother, Sushila Devi.

It is submitted by learned counsel for the petitioner that admittedly, there is no eye witness to the alleged occurrence. The accusation of poisoning is not being corroborated by the postmortem report which does not suggest any external injury on the body of the victim, the viscera has been kept preserved and even the resisting injury has not been found on the dead body of the victim. It is further submitted that from the impugned order it appears that the investigation preceded the registration of the FIR. The petitioner is languishing in custody since 12.01.2020 and the investigation has already been



concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the fact that neither the FIR nor the impugned order suggest that there is any eye witness to the occurrence, the investigation has already been concluded, moreover, the postmortem report does not suggest any external injury on the body of the victim, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Saran, Chapra, in connection with Marhowrah (Gaura O.P.) P.S. Case No. 308 of 2018.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two



sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Saran, Chapra, in connection with Marhowrah (Gaura O.P.) P.S. Case No. 308 of 2018.

The learned Court below will further be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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