

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39432 of 2020

Arising Out of PS. Case No.-156 Year-2018 Thana- SAKRI District- Madhubani

Dilkhush Giri, son of Late Maheshwar Giri, Resident of Village - Meghaul,
P.S. - Pandaul, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sakri P.S. Case No.156 of 2018 initially registered for the offence punishable under Sections 302, 304B and 34 of the Indian Penal Code, in which later charge sheet has been submitted under Sections 302 and 120B of the Indian Penal Code.

The informant is the mother of the deceased and has stated that since past one year, the victim was in the habit of eloping with the petitioner every now and then for a month or two. On 27.10.2018, when the informant returned home, she found her daughter missing with ornaments and other belongings. The petitioner is said to have given intimation



regarding her daughter having consumed poison for which she was being treated at Life Care Hospital, Sakri. Her daughter has been later found dead in the Emergency Ward of the Hospital. On inquiry, she has found that the petitioner along with his two wives and the petitioner's son had indiscriminately assaulted the victim near a Railway crossing, due to which she sustained injury on the back of her head.

Petitioner's counsel submits that falsity of the prosecution case is evident from the FIR itself, wherein it is alleged that the victim (daughter of the informant) was in the habit of eloping with the petitioner. The marriage between the petitioner and the victim is expressed to be possible. There is no specific assertion that the marriage ever took place. In the circumstances, charge-sheet has been submitted under Sections 302 and 120B I.P.C. only, though FIR has been lodged under Section 304B and 34 of the IPC also.

It is submitted that the petitioner has never solemnized marriage with the victim and has no criminal antecedents. The entire prosecution case is based on assumptions and presumptions and the petitioner is in custody since 20.12.2019. The Doctor has found single injury on the back of head of the victim and opined the same to be the cause of her



death, whereas the allegation of assault is against all the accused persons. Co-accused Manish Kumar @ Manish Kumar Giri has been allowed bail in Cr.Misc. No.8728 of 2019, vide order dated 26.04.2019 and co-accused Nira Devi and Baby Devi have been allowed anticipatory bail in Cr.Misc. No.41573 of 2019, vide order dated 16.11.2019.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IX, Madhubani, in connection with Sakri P.S. Case No.156 of 2018, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to



do so on two consecutive dates, his bail bond
will be liable to be cancelled.

This Court would expect that the petitioner’s counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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