

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24266 of 2021

Arising Out of PS. Case No.-332 Year-2020 Thana- DARIYAPUR District- Saran

1. LALITA DEVI W/o Sanjit Giri Resident of Village - Math Kakaro, P.S.- Dariyapur, Distt.- Saran.
2. RAMAWATI DEVI W/o Shesh Nath Giri Resident of Village - Math Kakaro, P.S.- Dariyapur, Distt.- Saran.
3. RANDHIR GIRI Son of Sheshnath Giri Resident of Village - Math Kakaro, P.S.- Dariyapur, Distt.- Saran.
4. ABHISHEK GIRI @ ABINASH GIRI Son of Sheshnath Giri Resident of Village - Math Kakaro, P.S.- Dariyapur, Distt.- Saran.
5. NITESH GIRI Son of Sheshnath Giri Resident of Village - Math Kakaro, P.S.- Dariyapur, Distt.- Saran.
6. SANJIT GIRI Son of Dharamnath Giri Resident of Village - Math Kakaro, P.S.- Dariyapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nalin Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 18-04-2022 At the outset, it is submitted by learned counsel for the petitioner that during pendency of this application, petitioner nos. 3 and 5 have been arrested and, as such, he seeks permission to withdraw this application against them.

In view of the aforesaid submission, this application is dismissed as withdrawn only against petitioner nos. 3 and 5.

So far as petitioner nos. 1, 2, 4 and 6 are concerned, the instant application for anticipatory bail has been filed by



them apprehending their arrest in connection with Dariyapur P.S. Case no. 332 of 2020 instituted for the offence punishable under Sections 304B, 201 and 34 of the Indian Penal Code.

As per allegation in the FIR, petitioners along with other family members have tortured in various ways due to non-fulfillment dowry demand by way of Rs. 50,000/- and a motorcycle. Ultimately they burnt her after putting kerosene oil and with a view to wipe out the evidence, they secretly cremated her dead body.

Learned counsel appearing on behalf of the petitioners has submitted that petitioner no. 1 is wife of petitioner no. 6 and both are neighbors, petitioner no. 2 is mother-in-law, petitioner no. 4 is brother-in-law of the deceased and have been falsely implicated in this case. They have never demanded any thing from the deceased. They have no concern with the daily activity of the deceased and her husband and all are living separately. The sole responsibility to take care of wife is upon husband of and not against his family members. Husband of the deceased is languishing in judicial custody since 28.3.2022. Similarly situated co-accused persons, who are brother-in-law of the deceased, have already been granted bail by a different co-ordinate Bench of this Court vide order dated 13.12.2021 passed



in Cr. Misc. No. 38126 of 2021.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner nos. 1, 2, 4 and 6 on bail. The petitioner nos. 1, 2, 4 and 6 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Dariyapur P.S. Case no. 332 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-14, Chapra subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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