

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39484 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

AJIT GIRI Son of Om Prakash Giri Resident of - Pakadi, P.S.-
Mohammadpur, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sarita Devi Wife of Ajit Giri D/o Devendra Giri, Resident of - Pakadi, P.S.-
Mohammadpur, District - Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Nath, Advocate
Ms. Aishwarya Singh, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Mohammadpur P.S. Case No. 18 of 2021 registered for the
offence under Sections 341/323/307/498(A)/504/34 of the
Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.03.2022.

The allegation against the petitioner is to cause cruelty
against his wife/informant and also to assault, causing injury



with intention to cause death.

Learned counsel appearing on behalf of the petitioner submitted that informant is under habit to lodge, false complaint for a reason that first FIR with similar allegation was lodged through P.S. Case No. 272 of 2020, where, matter was compromised between the parties, consequent upon, informant joined her matrimonial home, but just after 2 weeks' matter again took ugly turn, where present FIR was lodged almost with similar allegation. It is also submitted that from bare perusal of FIR, nothing appears that assault was caused with intention to cause death and moreover, the injury which were found, are simple in nature. It is also submitted that petitioner is patient of tuberculosis, which is the main reason that informant is not willing to lead her conjugal life with petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing appears from the face of FIR, which may suggest that alleged assault was with intention to cause death,



where informant appears under habit to file complaints coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mohammadpur P.S. Case No. 18 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Gopalganj/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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