

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40865 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

BABLU GIRI Son of Rajesh Giri Resident of Village - Bhagwatpur, P.S.-
Taraiya, District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 498A, 120B, 304B, 201
and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his daughter Nipu Kumari was married to the
petitioner on 11.08.2019, it is next alleged that after marriage, the
petitioner along with other family members started demanding
dowry of Rs. 5,00,000/-, it is next alleged that on 11.06.2021 the
informant came to know that the accused persons have killed her
daughter on account of non fulfillment of the dowry demand.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated being husband of the



deceased, it is next submitted no doubt the presumption is against the petitioner in terms of the law as the death took place within 7 years of marriage. It is also submitted that it is not that every death within 7 years of marriage is a dowry death, the learned counsel further submits that from perusal of Annexure-2, it would manifest that the daughter of the informant was being treated at Gorakhnath Chikitsalay at Gorakhpur Mandir Parisar where she died.

Learned counsel for the petitioner submits that petitioner will not evade the law rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer. It is also submitted that arrest is not meant to punish but to ensure that the investigation is not hampered.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Baikunthpur P.S. Case No. 288 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



Further, in the event, if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called for, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds and to ensure that all coercive steps are taken to put him behind bars.

Further, in the event, if the Investigating Officer after the investigation files the charge sheet against the petitioner then in that event also the present anticipatory bail order shall lose its effect.

Learned Trial Court is directed to send a copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

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