

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66020 of 2021**

Arising Out of PS. Case No.-87 Year-2020 Thana- SARAI RANJAN District- Samastipur

PINTU GIRI S/o Wakil Giri Resident of Village - Bhojpur, P.S. - Sarairanjan,
District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rajeev Ranjan, Advocate
For the Opposite Party/s :	Mr.Satyadeo Singh Yadav, APP
	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sarairanjan P.S. Case No. 87 of 2020 registered for the alleged offences under Sections 304-B and 34 of the Indian Penal Code.

As per prosecution case, the petitioner is the husband of the deceased-daughter of the informant and allegedly he committed her murder on account of demand of dowry with the help of his co-accused brother.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The informant has not disclosed the name of person who informed him about the death of his daughter. The said person was not even examined by the police during investigation. In fact, the police did not examine any of the witnesses from the village of this petitioner and the witnesses examined during investigation are co-villagers of the informant. The real fact of the case is that the daughter of the informant was at her parental home where she committed suicide. In order to save themselves, the informant brought the dead body to the house of the petitioner and the petitioner was not even present in his house on the fateful day. The informant lodged this case and the petitioner was apprehended from his house. If the petitioner were guilty, he would have bolted and would not have been arrested by the police. There is no evidence against this petitioner that he caused the death of his wife. The petitioner is in custody since 05.06.2020 and charges have been framed against the petitioner .

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation



against this petitioner that he caused death of the daughter of the informant. However, learned APP concedes that witnesses examined by the police are all family members and co-villagers of the informant and post-mortem report shows that death has been due to asphyxia as a result of ante-mortem hanging.

Having regard to the facts and circumstances and considering the submission on behalf of the parties, further considering the report of post-mortem showing ante-mortem hanging causing asphyxia whereas allegation is that of strangulation and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-Vth, Samastipur in connection with Sarairanjan P.S. Case No. 87 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

