

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30796 of 2023**

Arising Out of PS. Case No.-116 Year-2022 Thana- DEWARIA District- Muzaffarpur

Birendra Giri Son Of Late Ramashish Giri Resident of Village-Chand Kewari,
P.O. and Police Station-Deoriya, District-Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 25-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 18.07.2022 in connection with Deoriya P.S. Case No. 116 of 2022, F.I.R. dated 12.07.2022 for the offences punishable under Sections 304(B)/201/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with his family members killed the daughter of the informant on the pretext of non-fulfillment of demand of dowry

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is father-in-law of the deceased. He further submits that bare perusal of F.I.R. it appears that there is specific



allegation is attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner and petitioner has never demanded any dowry from the family member of the deceased and in fact the petitioner is living separately from his son and his family members and petitioner has no concern at all with the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 18.07.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 Smt. Rupa Raj, Judicial Magistrate 1st Class, Muzaffarpur (West) in connection with Deoriya P.S. Case No. 116 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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