

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58145 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- SIDHWALIYA District- Gopalganj

1. JOGENDRA GIRI @ YOGENDRA GIRI Son of Late Baldev Giri Resident of Village- Jalalpur Kala, Vishunpur, P.S.- Sidhiwalia, District- Gopalganj
2. MEERA DEVI Wife of Yogendra Giri Resident of Village- Jalalpur Kala, Vishunpur, P.S.- Sidhiwalia, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. GOVIND GIRI Son of Ram Kishun Giri Resident of Gopalpur, P.S.- Tariya Sujan, District- Khusinagar, U.P.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Riya Giri, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-02-2023 Heard Ms. Riya Giri, learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Sidhiwalia P.S. Case No. 132 of 2022 for the offence registered under Sections 304(B) and 34 of the Indian Penal Code.

As per the prosecution story, the informant alleged that his sister was married to the accused, Rajesh Giri in 2020 but was tortured for want of motorcycle and on the fateful day, he came to know about her death. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that the two petitioners are unfortunate mother-in-law and father-in-law



who had nothing to do with the said allegation, living separately from the couple and they are already bereaved by the death of their daughter-in-law. The last submission is that as per paragraph 16, the husband has been taken into custody on 29.04.2022 and charge sheet has also been submitted against him.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the fact that the two petitioners are father-in-law and mother-in-law, they do not have criminal antecedent, the husband is in custody, this Court is inclined to extend them privilege of anticipatory bail with conditions.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, 1st Class, Gopalganj in connection with Sidhiwalia P.S. Case No. 132 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show



their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by their Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(v) the petitioners shall co-operate in the investigation and made themselves available to the police as and when required.

Before parting, the Court would like to put on record its word of appreciation for Ms. Riya Giri, learned counsel for the petitioners for proper assistance in the matter.

(Rajiv Roy, J)

Jagdish/Neha/-

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