

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68051 of 2023

Arising Out of PS. Case No.-455 Year-2022 Thana- PARAIYA District- Gaya

BANANI GIRI @ BANANI GIREE wife of Late Chandeshwar Giri @
Chamari Giri Village- Sharma Math PS- Masaurhi Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard Mr. Satyapal Singh, learned counsel for the
petitioner as well as learned Md. Matloob Rab, Additional
Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Paraiya P.S. Case No.455 of 2022, F.I.R. dated
13.12.2022 registered for the offence punishable under Sections
420, 498A, 302, 406, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that the marriage
of her daughter Rupam Kumari was performed with Gautam
Giri according to Hindu Rituals on 25-04-2008. After the
marriage, on 26-04- 2008 on the occasion of Vidai, Gautam Giri
demanded one motorcycle and on refusal the same, he
threatened that the bride will have to spend a restless life till
given motorcycle. It is further alleged that when Rupam Kumari
went to her matrimonial home where she tortured physically and



mentally. Further said the Rupam Kumari became pregnant and gave birth a baby but accused persons again started torturing to informant's daughter. Thereafter, Rupam Kumari again became pregnant and gave birth a child on 27-08-2016 but due to ill behave, she died and without giving any information to the complainant/informant, funeral ceremony was done. It is also stated that complainant/informant take away Alka Kumari with view to save her life from accused persons.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. She has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint/F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition/F.I.R. Further submits that from perusal of the complaint petition/F.I.R. it appears that the date of occurrence as alleged in the complaint petition/F.I.R. is 26.04.2008 to 27.08.2016 and on the basis of the complaint petition the present FIR has been instituted in the year 2022. Further submits that due to negligence of the petitioner and his family members the daughter of the complainant had died. He further submits that daughter of the complainant was admitted in PHC, Masaurhi and she had referred to Sub-Divisional



Officer, Masaurhi and in the way of PMCH, she had died.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Paraiya P.S. Case No.455 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.



(iii) 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 antecedents, the court below shall take step for cancellation of anticipatory 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)

Prakash Narayan

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