

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32765 of 2024

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

=====

Gautam Giri Son of Late Chandeshwar Giri @ Chamari Giri R/O Vill.-
Sharma Math, P.S.- 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 : Mr. Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2024 Heard Mr. Satyapal Singh, learned counsel for the
petitioner and Mr. Binod Kumar, learned APP for the State.

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

3. The prosecution case, in short, is that the marriage of the informant's daughter Rupam Kumari was performed with Gautam Giri on 25.04.2008. After the marriage, on 26.04.2008 on the occasion of Vidai, Gautam Giri demanded one motorcycle and on refusal of 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 against 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 taken away Alka Kumari with view to save her life from accused persons.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the ground that the petitioner is the husband of the deceased. He further submits that the allegation as alleged in the F.I.R./complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition/F.I.R. It appears from the complaint petition/F.I.R. that the date of occurrence as alleged in the F.I.R. is 26.04.2008 to 27.08.2016 and on the basis of complaint petition, the present F.I.R. has been instituted in the year 2022 and as per allegation in the F.I.R./complaint petition that due to negligence of the petitioner and his family members the daughter of the complainant/informant has died. Learned counsel for the petitioner further submits that in fact the daughter of the complainant is admitted in PHC Masaurhi for



medical treatment from where she was referred to Sub-Divisional Hospital, Masaurhi and in the way to P.M.C.H., Patna she died. Learned counsel for the petitioner further submits that co-accused person namely Banani Giri @ Banani Giree who is mother of the petitioner against whom the similar allegation has been granted the privilege of anticipatory bail by this Court vide order dated 19.10.2023 passed in Cr. Misc. No. 68051 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and co-accused person namely Banani Giri @ Banani Giree against whom the similar allegation has been granted the privilege of anticipatory bail by this Court, 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 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 :-

(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 witness, 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)

Ibrar//-

U			
---	--	--	--

