

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51071 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Mukesh Giri, S/O Shankar Giri, R/O Dhekahan Bazar, Kunjan Tola, P.S-
Muffasil, Distt.- East Champaran At Motihari.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devashish Giri
For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 202-08-2024
1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 302/ 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the father, being husband of the deceased. It is next submitted that petitioner was married to the daughter of the informant about 09 years back and out of the wedlock, two children were born. It is further submitted that in between these 09 years, neither the informant nor the deceased ever instituted any case alleging that victim



(deceased) was being tortured for non-fulfilment of dowry demand, but then, submits at times they were fight between the deceased and the petitioner based on which victim attempted to commit suicide. It is next submitted that on date of occurrence also the victim and the petitioner fought over some issue and when the petitioner left for work, the victim tried to commit suicide and thereafter, the petitioner along with his family members took the victim to J. J. Hospital, Motihari where she was admitted for treatment and two days thereafter, she was referred to a higher institution, but during the course of treatment at Rahamaniya Hospital, she died.

4. The learned counsel for the petitioner submits that if petitioner had any intention for committing an occurrence in connivance with his family members, then they would never made any effort to get the victim treated in a hospital where she was treated for two days, nor they would have informed the informant about the occurrence, but the fact that they informed the informant about the occurrence, who came and later shifted his daughter to Rahamaniya Hospital where she died during the course of treatment amply points towards the innocence of the petitioner. It is also submitted that informant is not an eye witness to the occurrence and thus, entire allegation hinges



around suspicion. It is submitted at the cost of repetition that the marriage is of nine years old and out of the wedlock, two children were born and in these nine years, no case was ever instituted either by the deceased or the informant. It is next submitted that merely because petitioner is the husband of the deceased that should not be a ground for rejecting the regular bail application of the petitioner rather the conduct of the petitioner also needs to be appreciated. It is also submitted that petitioner surrendered voluntarily in the Court on 23.04.2024 and since then he is in custody. It is further submitted that in the event, if petitioner is granted the privilege of regular bail in that event, he will not abscond rather will cooperate in the trial.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Mufassil P. S. Case No.248 of 2023.

7. The application stands allowed.

8. However, in the event, if the learned trial Court



comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, in that event, the learned trial Court shall forthwith cancel his bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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