

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60372 of 2025

Arising Out of PS. Case No.-1029 Year-2024 Thana- BIHTA District- Patna

- 1 . Hema Devi Wife of Kamlesh giri Resident of Village- Gokulpur, Ps- Bihta,
Dist- Patna
2. kamlesh Giri son of Jagdeo Giri Resident of Village- Gokulpur, Ps- Bihta,
Dist- Patna
- 3 . Aditya Kumar son of Kamlesh giri Resident of Village- Gokulpur, Ps- Bihta,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Narayan Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-09-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case punishable for the offence under Sections 80, 3(5) of BNS.

3. As per the prosecution case , informant alleged that his brother, *Mantu Giri*, was married to *Nisha Kumari* in the year 2021, and after the marriage, his wife and her family members started torturing and harassing his brother, *Mantu Giri*, and co-accused *Nisha Kumari* went to her *maikya* and told him to stay away from her family members. It is further alleged that



on 20.10.2024, when the brother of informant *Mantu Giri* went to bring her wife, *Nisha Kumari*, back to her matrimonial house, then these petitioners and other co-accused persons denied the same, and on 26.10.2024, the informant got information that his brother consumed poison and was taken to PMCH for treatment, and when the informant went there, he found that his brother *Mantu Giri* died due to giving poisoned needle.

4. Learned counsel for these petitioners submitted that Petitioner no. 1 is mother-in-law petitioner no. 2 father-in-law and petitioner No. 3 is brother-in-law of the deceased. They are simply victims of over implications. It is further submitted that the alleged occurrence took place on 26.10.2024 but informant got information regarding the same on 27.10.2024 but the present F.I.R. was lodged after the delay of 7 days for which there is no plausible explanation which itself creates doubt over the veracity of the entire prosecution case. The deceased Mantu Giri was habitual consumer of alcohol and after consuming the same, he used to harass and assault her wife Nisha Kumari and being aggrieved with the same, her wife Nisha Kumari left her matrimonial house and when she refused to go with the deceased, then he became angry and committed suicide and it was these petitioners who took the deceased to



Appolo Hostipital, Bihta for treatment where the deceased was transferred to PMCH Patna for better treatment and during course of treatment he died and taking advantage of the same , the present case was lodged against these petitioners by informant side only to extort money from them. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of petitioners.

6. However, considering the aforesaid facts and circumstances, let the above named petitioners, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM – II Danapur Patna in connection with Bihta P.S. Case No. 1029 of 2024 , subject to condition as laid down under Section 482 (2) of BNSS 2023 .

(Prabhat Kumar Singh, J)

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