

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52538 of 2015

Arising Out of PS.Case No. -95 Year- 2009 Thana -DIGHWARA District- SARAN

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1. Anil Kumar Giri @ Anil Giri Son of Dudhnath Giri Resident of Village -
Kochwara, P.S. - Dariyapur, District - Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

6 08-02-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Dighwara P.S.
Case No. 95 of 2009 registered for the offences punishable under
Sections 302, 120B of the Indian Penal Code.

Allegedly, co-accused Awadhesh Giri, Dilip Giri, Jai
Prakash Giri @ Supan Giri and Bachcha Giri came down from
Bollero vehicle and then on the order of Bachcha Lal Giri,
Awadhesh Giri shot Vijay Giri, the brother of the informant, and
when Ashok Rai came for rescue, Jai Prakash Giri @ Supan Giri
shot him causing injury and the brother of the informant
succumbed to the injury. The petitioner and Bindu Lal Giri
assisted the assailants to escape from the scene through Bollero
vehicle.

Submission is of false implication and that as alleged the petitioner is not the assailant, he has got no criminal antecedent and is suffering in custody since 26.09.2015, in the light of observation made in Cr. Misc. No. 34805 of 2015 he has voluntarily surrendered, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence as such the petitioner deserves sympathetic consideration to which learned APP opposes.

In the facts and circumstances stated above, considering that the petitioner is not the assailant, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Dighwara P.S. Case No. 95 of 2009, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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