

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34969 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -GOPALPUR District-
WESTCHAMPARAN(BETTIAH)

=====

Sheshnath Giri, Son of Late Shyam Sundar Giri, R/o Lauthaha, P.S.-
Gopalpur, District- West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party : Mr. Sri Shailendra Kumar -1 (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-10-2016 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest in connection
with Gopalpur P.S. case no. 53 of 2016 for offences punishable
under Sections 302, 120B/34 of the Indian Penal Code.

The prosecution story as per the written report is
that the informant was in the clinic of Dr. Pramod Tiwari at
Bettiah for the surgical treatment of his father, when on
20.06.2016 at about 7 am Ajay Yadav of village Lauthaha
communicated telephonically that the son of informant named
Nitesh was dead. The informant along with his family members
went to his sasural village Lautaha where he found the door open
and his son Nitesh dead in the inner room. The son of informant



had told earlier that petitioner Sheshnath Giri had extended threats to his son (deceased) to leave village Lauthaha, otherwise he would be killed. It is further stated that in night of occurrence one Ramesh Sah son of Yogendra Sah of village Lauthaha was sleeping with the deceased. The informant expressed suspicion against the petitioners that they might had conspired to kill the deceased who was alone.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the aforesaid case. He is an aged man of 60 years and practically blind and as per post mortem report, the death is due to strangulation which could not have been attributed to the petitioner.

However, learned counsel appearing on behalf of informant submits that as paras 4, 5, 6 and 7, all witnesses have supported the prosecution case and that para 9 of the case diary specifies that there was a love affair going on between the daughter of Anil Giri, son of the petitioner, with the deceased, hence there is motive behind the said murder.

Learned A.P.P. for the State submits that the petitioner is named in the FIR, hence, opposes the prayer for bail.

Be that as it may, since the sons of the petitioner who are also made accused are in custody and the petitioner is an aged man of 60 years and practically blind, let the abovenamed petitioner, in the event of his arrest/ surrender before the Court below within a period of 08 weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Wasim Akaram Khan, J.M. 1st class, Bettiah, West Champaran in connection with Gopalpur P.S. case no. 53 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J.)

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