

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46407 of 2016

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

- =====
1. Anil Giri,
 2. Bhantu Giri @ Arvind Giri
 3. Bablu Giri, All three sons of Sheshnath Giri, R/o Lauthaha, P.S.-
Gopalpur, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ajay Kumar -2, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-11-2016 Heard learned counsel for the petitioners,

learned counsel for the informant and the learned A.P.P. for

the State.

Petitioners are languishing in judicial custody
since 31.08.2016 in connection with Gopalpur P.S. Case No.
53 of 2016 registered for the offence punishable under
Sections 302 and 120B/34 of the Indian Penal Code.

The prosecution case, as per the written report,
is that on 20.06.2016 at about 7:00 A.M. while the informant
was in the clinic of Dr. Pramod Tiwari at Bettiah for the
surgical treatment of his father, Ajay Yadav of village
Lauthaha he was telephonically communicated that the son



of the informant, namely, Nitesh has died. The informant along with his family members went to village Lauthaha where he found the door open and his son Nitesh dead in the inner room. The son of the informant had told earlier that accused Sheshnath Giri had extended threats to his son to leave the said village, otherwise he would be killed. It is further stated that in the night of occurrence one Ramesh Sah son of Yogendra Sah was sleeping with the deceased. The informant expressed suspicion against the accused persons that they might have conspired to kill the deceased.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He further submits that there is no eye-witness to the occurrence and it is only on the basis of suspicion and that petitioner no.1, Anil Giri's daughter, Sapna was having love affair with the deceased that the petitioners' name surfaced. It has further been submitted that omnibus allegation has been made against the petitioners and nothing specific has been alleged as post-mortem report indicates that death occurred due to strangulation, which cannot be attributed to all the accused persons, including the petitioners and that one of the co-



accused Sheshnath Giri has since been granted the privilege of bail by this Court in Cr. Misc. No. 34969 of 2016 on 26.10.2016.

However, learned counsel for the informant submits that all the prosecution witnesses have supported the prosecution case, hence, opposite the prayer for bail.

Learned A.P.P. for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Considering the materials available on record and that charge-sheet has been submitted as well as that petitioners' liberty on bail would not adversely affect their trial, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of Sri Wasim Akaram Khan, learned Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 53 of 2016.

It is, however, made clear that one of the bailors would be relative and other bailor would be a person, who has sufficient immovable properties within the concerned police station.



This direction for bail is further subject to the condition that petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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