

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29751 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -EKMA District- SARAN

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1. Triloki Giri, S/o late Jang Bahadur Giri
2. Lilawati Giri @ Lilawati Devi, W/o Triloki Giri
3. Chandan Bharti, S/o Amrit Giri,
All R/o Village - Mane Matiyar, P.S. Ekma, District Saran.
4. Prabhat Ranjan Giri, S/o Late Baristar Giri, R/o Village - Ghorghat,
Matiyar, P.S Manjhi, District Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Binod Kumar 3, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-09-2016

Heard both sides.

The petitioners, namely, Triloki Giri, Lilawati Giri @ Lilawati Devi, Chandan Bharti and Prabhat Ranjan Giri, apprehend their arrest in Ekma P.S. Case No. 54/2016 under Section 302 and other sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant named 14 persons in the FIR and alleged that they all came at the Darwaza of the informant. Ramendra Giri, Mithlesh Giri, Prabhat Ranjan Giri, Vidyawati Giri and Lilawati Giri (petitioner no. 2) caught his nephews Anup Giri and Chandan giri. Vidyawati Giri handed over a knife to Dinesh Kumar Giri @ Shikari, who gave knife blow to Chandan Kumar, the nephew of the informant. Dinesh Kumar Giri also

fired which hit Anup Giri. Anup Giri died on the spot. It appears that there is a specific allegation against Lilawati Giri (petitioner no. 2) and Prabhat Ranjan Giri (petitioner no. 4). Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case. There is no specific allegation against Triloki Giri (petitioner no. 1) and Chandan Bharti (petitioner no. 3).

Learned counsel for the informant and learned A.P.P. have opposed the prayer for anticipatory bail.

It appears that the informant of course named Triloki Giri (petitioner no. 1) and Chandan Bharti (petitioner no. 3) but no specific allegation of any overt act is alleged against them and they are only members of the mob. Considering the facts aforesaid, the above named petitioners no. 1 and 3, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in Ekma P.S. Case No. 54/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no. 2 Lilawati Giri @ Lilawati Devi and petitioner no. 4 Prabhat Ranjan Giri is concerned, they are alleged to have caught the nephews Anup Giri and Chandan Giri and, on such, Dinesh Kumar Giri assaulted Chandan Kumar with knife and he also fired causing the death of Anup Giri. Hence, I am not inclined to enlarge the above named petitioners no. 2 and 4 on anticipatory bail in Ekma P.S. Case No. 54/2016. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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