

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16462 of 2016

Arising Out of PS.Case No. -11 Year- 2014 Thana -AAYAR District- BHOJPUR

1. Subash Giri Son of Sri Mahadeo Giri R/o Village Barnaon Ke
 Dakhinwari, Mathiya, P.S. Ayar, District Bhojpur at Ara

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s Mr. Kalayan Shankar (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 27.04.2016

Heard learned counsel for the petitioner as well as learned

Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 302 and other allied sections of the Indian Penal Code as well as section 27 of the Arms Act.

Petitioner is named in the first information report but according to the prosecution case itself, it was co- accused Binod Giri who shot fire on the deceased and so far as the petitioner and one co-accused Deepak Giri are concerned, it is only stated that they were made indiscriminate firings. Furthermore, one Dhiraj Kumar Singh is said to have sustained injury in the aforesaid occurrence.

Learned counsel for the petitioner submits that co-accused Deepak Giri @ Dipak Giri has already been granted privilege of bail by a coordinate bench of this court vide order dated 9.6.2014 passed in Cr. Misc. no.23239/2014 and so far as co- accused Binod Giri and

some others including Deepak Giri are concerned, they had already been acquitted of the charges by the trial court vide judgment dated 30.5.2015 passed in Sessions Trial no. 216/2014. It is also pointed out by him that injured Dhiraj Kumar Singh was examined in the aforesaid trial as prosecution witness no.7 but he did not claim to have identified the assailant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara in Ayar P.S. Case no. 11/2014.

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(Hemant Kumar Srivastava,J)

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