

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7519 of 2017

Arising Out of PS.Case No. -157 Year- 2015 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Chandan Giri, Son of Late Ramji Giri, Resident of Village- Paharpur, Giri Tola, P.S.- Paharpur, District- East Champaran.
2. Arun Giri, Son of Chandan Giri, Resident of Village- Paharpur, Giri Tola, P.S.- Paharpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Managl Giri, son of Late Narayan Giri, Resident of Village- Soneval, P.S.- Paharpur, District- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagjit Roshan
For the Opposite Party/s : Smt. Sucheta Yadav
For opposite party no. 2 : Mr. Bipin Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

5 08-04-2017 The petitioners are apprehending their arrest in connection with Paharpur P.S. Case No. 157 of 2015, registered for offences punishable under Sections 406, 420 and 120(B) Indian Penal Code.

It has been submitted on behalf of the petitioners that even according to F.I.R. itself the allegation of taking loan is against other co-accused person and petitioners have nothing to do with the alleged offence. Moreover the said co-accused, Manish Giri has already returned Rs. 2,00,000/-. It has further been submitted that petitioner no. 1 is the father of Manish Giri and petitioner no. 2 is brother.



Heard learned A.P.P. and learned counsel for the informant, they have opposed the prayer for bail. Learned counsel for the informant has submitted that money was given to said Manish Giri in the presence of petitioners and that has also come during the course of investigation. He further drawn attention to this court that when the police went to arrest these petitioners and co-accused, they assaulted on the police party and managed to escape from the clutches of police.

Having heard both sides, considering the facts and circumstances of the case, nature of allegation against petitioner no. 1, let the petitioner no. 1, namely, Chandan Giri, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, East Champaran, Motihari, in connection with Paharpur P.S. Case No. 157 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the



concerned Court.

- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

So far petitioner no. 2, namely, Arun Giri, is concerned, considering the allegations; I am not inclined to grant him the privilege of anticipatory bail, it is accordingly rejected.

Let petitioner no. 2, namely, Arun Giri surrender before the court below and pray for regular bail, which will be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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