

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54101 of 2017

Arising Out of PS.Case No. -51 Year- 2016 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Abhishek Giri @ Abhishek Kumar, S/o Vayas Giri,
2. Daodar Giri, S/o Late Shiv Prasad Giri,
3. Satya Prakash Giri, S/o Damodar Giri, All are resident of Village- Birta
Mathiya, P.S.- Sangrampur, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 18-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Sangrampur P.S. Case No. 51
of 2016 instituted for the offence under Sections-302/34 of the Indian Penal
Code.

In the written report, there is specific allegation against Abhishek
Giri @ Abhishek Kumar and Shashikant Giri of assaulting the mother of the
informant with Labada with intention to kill and she died on the spot.

The copy of postmortem report has been enclosed wherein doctor
has stated that the death occurred due to heart failure (pumping of the heart
was impaired). The doctor in the postmortem report also found injury on the
neck vein of the deceased.

Therefore, this court is not inclined to grant anticipatory bail to
petitioner No. 1. Accordingly, his prayer for anticipatory bail stands rejected.

The petitioner No. 1 is directed to surrender in the court below
and seek regular bail which will be considered and disposed of on its own



merit without being prejudiced by this order.

So far as petitioner Nos. 2 & 3 are concerned; there is general and omnibus allegation against them.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner Nos. 2 & 3 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Sangrampur P.S. Case No. 51 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate-XI, East Champaran, Motihari subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner 2 & 3 shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner Nos. 2 & 3 and (3) if petitioner Nos. 2 & 3 tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner Nos. 2 & 3 .

(Sanjay Priya, J)

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