

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31686 of 2018

Arising Out of PS.Case No. -44 Year- 2018 Thana -DUMRIAGHAT District-
EASTCHAMPARAN(MOTIHARI)

=====

Bachacha Giri, son of Baban Giri, Resident of Village+ P.O.- Rampur
Khajuria, P.S.- Dumariya Ghat, District- East Champaran, Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 11-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dumariya Ghat P.S. Case No.44 of 2018 registered for the
offences punishable under Sections 364(A), 302, 201 and 120 (B)
of the Indian Penal Code.

The case has been registered on the written report of
the father of deceased. It is alleged that the son of informant aged
about 7 years had gone outside the house for playing but he did
not return. The informant received a call over his mobile
demanding Rs.10 lacs for release of his son.

It has been submitted that the name of this petitioner
appeared in confessional statement of the son of petitioner and
co-accused Satyam Kumar. They confessed their complicity in



the above crime. The co-accused further disclosed the manner of occurrence. It has been submitted that on the confessional statement of said two persons, the dead body was recovered from a room of school which was being run by this petitioner. The son of informant was kept in the school of petitioner and was done to death by the son of petitioner as per confessional statement. The police recovered an aluminum wire from one of the rooms of school which was used for strangulation. Except this allegation, there is nothing against the petitioner and so he at best can be held liable for the offence under section 201 of I.P.C. which is bailable. The son of petitioner and Satyam Kumar have not disclosed about the participation of this petitioner or his any role in committing murder of the deceased rather they have stated that the dead body was disposed of with the help of this petitioner. The call for ransom was made by co-accused Satyam Kumar. The petitioner is in custody since 14.03.2018 having two more cases which according to petitioner have been lodged on account of political rivalry.

The learned counsel for the informant and learned A.P.P. for the State opposed the submission. It has been submitted that the victim was kept in the school which was being run by this petitioner. The circumstances show his complicity in



committing murder of the deceased. Besides that, an aluminum wire was also recovered from his school.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Dumariya Ghat P.S. Case No.44 of 2018 subject to the following conditions:-

- (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 will not induce any witness or tamper with the evidence.
- (iii) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

Harish/-

U			
---	--	--	--

