

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47942 of 2017

Arising Out of PS,Case No. -27 Year- 2017 Thana -INARWA District-
WESTCHAMPARAN(BETTIAH)

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Bhupeshwar Giri Son of Sri Inesh Giri, R/o Village- Inarwa Bazar, P.S.-
Inarwa, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Umeshnand Pandit

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 05-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with
Inarwa P.S. Case No. 27 of 2017 dated 23.03.2017 instituted for
the offences under Sections 341, 323, 307, 302, 504, 34 of the
Indian Penal Code.

The mother of the deceased (Amaresh Kumar
Giri) has alleged in the F.I.R that accused persons including the
petitioner had surrounded her three sons and one Chandra Giri @
Babu Bhaiya who had brought two guns with him, gave one of the
guns to the petitioner. On the exhortation of aforesaid Chandra
Giri @ Babu Bhaiya, the petitioner is said to have fired at another
son of the informant viz. Ashwani Kumar Giri which hit him in his
chest. Co-accused Indu Devi is alleged to have given a farsa to her
husband Inesh Giri who also assaulted aforesaid Ashwani Kumar
Giri. While the deceased was running towards his home, co-



accused Chandra Giri @ Babu Bhaiya, on the exhortation of Inesh Giri, fired from behind which hit him and he succumbed to the injuries.

Learned counsel for the petitioner has submitted that so far as the petitioner is concerned, he is only said to have fired at the injured Ashwani Kumar Giri once, leading to injuries on his person. Initially, the depth of the gunshot wound could not be ascertained because of profuse bleeding but later a report was prepared suggesting that humerus bone of aforesaid Ashwani Kumar Giri was broken because of the firing resorted to by the petitioner. It has further been submitted that there is long pending civil dispute between the parties and the informant, injured persons and the deceased are related to the petitioner and others who have been made accused in this case.

It has further been submitted that earlier the petitioner was made accused in a case namely Phagha P.S. Case No. 20 of 2017 in which he was granted bail. Later, one of the sons of the informant had also filed a case against the petitioner and others, about which the petitioner did not have any information. It was because of this that the reference of the aforesaid case could not be made in para 3 of the petition. However, a supplementary affidavit in that regard has been filed today. Let it be kept on record.



The petitioner is in custody since 01.04.2017.

Regard being had to the fact that there is land dispute pending between the parties and the petitioner is not the assailant of the deceased, this Court is inclined to grant bail him.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah in connection with Inarwa P.S. Case No. 27 of 2017.

However, it is made clear that in case the petitioner makes any attempt to tamper with the evidence or threaten the witnesses of the case, it will be open for the informant, investigating agency or the Trial Court to proceed promptly for cancellation of the bail of the petitioner. The petitioner is also directed to participate in the trial and refrain from adopting any tactics which would delay or impede the progress of the trial.

(Ashutosh Kumar, J)

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