

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51643 of 2018

Arising Out of PS.Case No. -403 Year- 2015 Thana -DALSINGHSARAI District- SAMASTIPUR

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GANESH GIRI @ GANESHWAR GIRI @ GANGESH GIRI, Son of Sri Surendra Giri, R/o of Village Sivaishingpur, P.S. Mohiuddin Nagar, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Bihari Tiwary, Advocate.

For the Opposite Party : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 19-09-2018

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is languishing in custody since 16.03.2018 in a case for the offence registered under Sections 364, 201, 120(B) and 302 of the IPC.

The prosecution story, in brief, is that Shivdhar Giri and Gangesh Giri brought Rakesh Giri, son of the informant for begging but till evening he could not return. During course of search, one boy informed that Shivdhar Giri brought Rakesh Giri to watch *Mela* on his Bolero vehicle. On 28.10.2015 at about 8/9 A.M. in the morning he was informed that dead body of his son Rakesh Giri was found flowing in a *Balan* river. Informant claimed that all the accused persons including the petitioner killed his son and thrown his dead body in the river.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is a case of last seen. On the basis of which, the petitioner is suspected to be involved in the present case. There is no other substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence. There is no circumstantial evidence to suggest the implication of the petitioner in the present case. Other co-accused has been granted bail by the then another Co-ordinate Bench of this Court vide Cr. Misc. No. 18585 of 2017 order dated 26.04.2017, Annexure-3 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Samastipur, in connection with Dalsingsarai P.S. Case No. 403/2015.

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(Sudhir Singh, J)

