

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13417 of 2019

Arising Out of PS. Case No.-261 Year-2018 Thana- AURANGABAD TOWN District-
Aurangabad

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AJEET GIRI Son of Baikunth Giri Resident of Village- Rawal Bigha, P.S.-
Muffasil Aurangabad, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
24.12.2018 in connection with Aurangabad (Town) P.S. Case
No. 261 of 2018 for offences punishable under Section 302 and
other allied Sections of the Indian Penal Code and Section 27 of
the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was celebrating Chhathi of his son co-accused
Vicky Giri and Pappu Kumar called his brother Sudhanshu
Kumar. On the way other co-accused named in the FIR and 5-10
unknown persons began assaulting the informant's brother and
on the orders of co-accused Vicky Giri, co-accused Vivek Singh



handed his pistol to Murari Singh and co-accused Murari Singh fired on the informant's brother, who succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and has been falsely implicated in the aforesaid case. There is no allegation of firing against the petitioner. He submits that in the postmortem report there is only one injury of firing of entry and exit, which has been specifically levelled against co-accused Murari Singh. It is further submitted that some of the co-accused on similar allegations have been granted the privilege of pre-arrest bail by this Court and another co-accused on similar allegations has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 78810 of 2018 vide order dated 07.01.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case is pending against him which petitioner submits that the said case has been lodged by his uncle and he is on bail in the said case.

Considering the facts and circumstances and the materials on record as well as the nature of allegation and that on similar allegation some of the co-accused have been granted



the privilege of bail and pre-arrest bail, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad (Town) P.S. Case No. 261 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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