

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27273 of 2020**

Arising Out of PS. Case No.-28 Year-2019 Thana- AKHODHIGOLA District- Rohtas

SHOBHA GIRI S/o Late Muni Lal Giri Resident of Village-Basantpur, P.S-
Akorhi Gola, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-12-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Akorhi Gola P.S. Case No.28 of 2019 registered for the offence under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged in the First Information Report. Learned counsel submits that there is no specific allegation of assault against this petitioner and there is no eye witness to the alleged occurrence. It is submitted that the petitioner has no criminal antecedent and he is in judicial custody since 09.01.2020.



On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein from the First Information Report it appears that there were allegations against the petitioner that he had taken the husband of the informant with himself and after giving him some thing to eat and drink the husband of the informant was assaulted and for that reason there were some internal injury to him and he died but later on the informant had made a statement in paragraph '2' that her husband had come home after quarrel with this petitioner and he had complained about some pain in his testicles but there was no injury on his face and her husband had then went away with his tempo (three wheeler) and thereafter he was found lying on the said tempo, he was brought to home and at that time also it is not alleged by the informant that there was any injury on his face, the husband of the informant died in the midnight and the postmortem report shows external injuries lacerated wound on right and left skull 2"x1½"x muscle deep both side face sweller which injury has not been attributed to the petitioner and the viscera report does not show presence of any Metallic, Alkaloidal, Glycosidal, Pesticidal and Volatile poison and there is no other material pointed out to this



Court to oppose this application, the petitioner has remained in jail for about 11 months and the trial is not likely to be concluded in near future, there is no submission that release of the petitioner is otherwise likely to tamper with the evidence or interfering with the course of trial, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri Vivek Kumar Singh, J.M.-1st Class, Civil Court, Delhri-on-Sone, Rohtas in connection with Akorhigola P.S. Case No.28 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

