

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19607 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- PHULWARIYA District- Gopalganj

Saurav Giri, Son Of Kailash Giri @ Kailash Gosai Village- Rakba, P.S.-
Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashish Giri- Advocate
For the Opposite Party/s : Mr. Ravindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-11-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Phulwariya P. S. Case No.153 of 2020, instituted for the
offences under Sections 302/ 34 of the Indian Penal Code.

The petitioner is in custody since 16.11.2020 and he is
person with clean antecedents.

From bare perusal of the F.I.R., it would manifest that
F.I.R. was instituted on 29.06.2020 by the Chaukidar and he
alleges that he received information that an unknown dead body
was lying beside the road at Ganesh Dumra, Murghatiya and the
dead body was beyond recognition and was around 2-3 days
old.

Learned counsel for the petitioner submits the mother



of the deceased on 04.07.2020 disclosed the name of this petitioner along with Bharat Singh before the police, the mother in her statement has stated that her son (deceased) had left home on 27.06.2020 along with Bharat Singh and this petitioner.

Learned counsel for the petitioner submits that admittedly, from her statement recorded before the police, it is evident that she alleges that her son left home on 27.06.2020 and did not return thereafter, but no F.I.R. was instituted. It has been further submitted that this F.I.R. was instituted on 29.06.2020 and thereafter, her statement was recorded on 04.07.2020. He further submits that if the mother of the deceased had any such suspicion with respect to the present petitioner that he might have killed his son then definitely an F.I.R. would have been instituted and information to the police ought to have been given when the deceased did not return home.

Learned A.P.P. vehemently opposes the bail application.

Considering the fact that it was within the knowledge of the family of the deceased that he left home along with petitioner on 27.06.2020 and did not return, still, no F.I.R. was instituted and it was only after the dead body was recovered that



suspicion has been raised against the petitioner and since petitioner is a person with clean antecedent and charge-sheet has been submitted, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Phulwariya P. S. Case No.153 of 2020, subject to condition that if on two consecutive dates petitioner does not appear in the Court below, the learned Court below will be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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