

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21384 of 2021

Arising Out of PS. Case No.-175 Year-2019 Thana- PAHARPUR District- East Champaran

VIVEK GIRI S/o Jai Shankar Giri @ Jata Shankar Giri Resident of Village-
Paharpur, P.S.- Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP
Mr. Madhurendra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 20-12-2021 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, as a result of knife blow given by this petitioner, the brother of the informant was injured and on being taken to the hospital was declared dead.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The petitioner has brought on record the deposition of the witnesses examined on behalf of the prosecution to show that the prosecution witnesses have named two Vivek Giri as accused, one being the petitioner and the other being son of Shrikant



Giri. It is further submitted that it was Vivek Giri son of Shrikant Giri who is said to be the assailant of the deceased and not the petitioner herein. The petitioner is in custody since 11.6.2019 and as per his instructions only six witnesses have been examined on behalf of the prosecution. There is no chance of the trial concluding in the near future.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is the sole/main assailant of the deceased.

Having heard learned counsel for the parties and taking into consideration the facts of the case including the allegation against the petitioner in the F.I.R. and the progress in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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