

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44142 of 2021

Arising Out of PS. Case No.-77 Year-2020 Thana- MANJHI District- Saran

ARBIND GIRI, aged 37 years, (Male) S/o WAKIL GIRI, R/o VILLAGE-
RAGHUNATH GIRI KE MATHIA, P.S-MAJHI, DISTRICT-SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

2 18-08-2021

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 147, 148, 149, 341, 323, 504,
307, 324 and 302 of the Indian Penal Code.

Earlier also, petitioner had moved this Court for grant
of regular bail which was rejected vide Annexure 1 at that stage.

Informant, Sujeet Kumar Giri, has alleged that on
22.03.2020 at around 05.30 pm in the evening, he went to the
shop of Wakil Giri and stated that his puppy has been forcibly
taken by the his grandson and when the informant inquired
about the incident, Raj Kumar Giri, Arbind Giri (petitioner),
Nitish Giri, Prince Giri, Ankit Giri, Pawan Giri, Akash Giri,

wife of Wakil Giri, Wakil Giri, wife of Arbind Giri came together armed with lathi, danda, iron rod and started beating the informant. The informant further alleged that wife of Arvind Giri caught his hand and Nitish Giri assaulted him by iron rod on his head, as a result of which, the informant fell down. In the meantime, after hearing the noise, when Madan Giri, Pawan Giri and Harinath Giri came to save the informant then all the aforesaid accused persons started assaulting them too in which Harinath Giri got head injury and in the meantime, Rajkumar Giri, Pawan Giri, Akash Giri and Arbind Giri (petitioner) started beating Madan Giri, due to which he fell down. It has further been alleged that after getting the information and noise of said incident, some villagers came and thereafter due to intervention /help of villagers, the informant and others were sent for medical treatment, however, during course of treatment, Madan Giri died in Sadar Hospital.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that allegations are general and omnibus in nature and no specific allegation has been attributed against petitioner. It is further contended that there was no motive of the petitioner to kill anybody rather it happened when the

prosecution party attacked the petitioner and other family members for which Majhi P.S. Case No. 78 of 2020 for offence under Sections 147, 148, 149, 307, 324, 325 of the Indian Penal Code has been instituted. Petitioner has no criminal antecedent and he is in custody since 22.03.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sessions trial No.198 of 2020 arising out of Majhi P.S. Case No. 77 of 2020 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of

bail of the petitioner.

(S. Kumar, J)

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