

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32925 of 2020

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

1. WAKIL GIRI, aged about 75 years, Son of Bikram Giri
2. Raj Kumar Giri, aged about 34 years, Son of Wakil Giri
3. Arbind Giri, aged about 36 years, Son of Wakil Giri
All Residents of Village - Raghunath Giri Ke Mathiya, P.S. - Manjhi,
District - Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. V. Giri, Sr. Advocate Mr. Sumit Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 05-02-2021 Heard learned counsel for the parties.

Petitioners seek 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.

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 (petitioner no.1) and stated that his puppy has been forcibly taken by the his grandson and when the informant inquired about the incident, Raj Kumar Giri (petitioner no.2), Arvind Giri (petitioner no.3), Nitish Giri, Prince Giri, Ankit Giri, Pawan Giri, Akash Giri, wife of Wakil



Giri, Wakil Giri (petitioner no.1), wife of Arvind 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 (petitioner no.2), Pawan Giri, Akash Giri and Arvind Giri (petitioner no.3) 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 that petitioners have been falsely implicated in this case. It has further been submitted that allegations are general and omnibus in nature and no specific allegation has been attributed against the petitioners. There is case and counter case for same occurrence. It is further submitted that allegation levelled against petitioner no.1,



namely, Wakil Giri that he was armed with lathi, danda and iron rod and he assaulted the informant and their party could not be believable as he is of about 75 years of age. There is no allegation against him of assaulting deceased Madan Giri. Petitioners are having clean antecedent and they are in custody since 24.03.2020.

Considering the fact that petitioner no.1 is an old person and whole family including the female members have been named as accused in FIR, let the **petitioner no.1, Wakil Giri**, 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 Manjhi 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 no.1 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 no.1 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 no.1.

However, considering the facts and circumstances of
the case and nature of allegation, I am not inclined to enlarge
the **petitioner no.2, Raj Kumar Giri** and **petitioner no.3**
Arbind Giri on bail at this stage. Hence, the prayer for bail of
the petitioner nos.2 and 3 is hereby rejected.

(S. Kumar, J)

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