

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50341 of 2021

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

RAJ KUMAR GIRI Son of Wakil Giri Resident of Village - Raghunath Giri
Ke Mathia, P.S.- Majhi, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Naresh Chandra Verma, Adv
For the Opposite Party/s	:	Mr.Dashrath Mehta, APP
For the Informant	:	Mr. Bindhyachal Singh, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 06-10-2021 Heard learned counsel for the parties.

Earlier bail of the petitioner was rejected vide order dated 05.02.2020 passed in Criminal Miscellaneous No. 32925 of 2020.

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 IPC.

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 complained that his puppy has been forcibly taken away by his grandson upon which Raj Kumar Giri (petitioner), Arvind Giri, Nitish Giri, Prince Giri, Ankit Giri, Pawan Giri, Akash Giri, wife of Wakil Giri, Wakil Giri,

and wife of Arvind Giri came together armed with lathi, danda, iron rod and started assaulting 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, he suffered head injury and fell down.

In the meantime, on hearing hue and cry when Madan Giri, Pawan Giri and Harinath Giri came to save the informant then all the accused persons as named in FIR started assaulting them in which Harinath Giri suffered head injury and in the meantime, Rajkumar Giri (petitioner), Pawan Giri, Akash Giri and Arvind Giri started assaulting Madan Giri, due to which he fell down.

It has been further alleged that after getting the information and hearing hue and cry, some villagers came and thereafter due to intervention/help of villagers, the informant and others were sent for medical treatment, however, Madan Giri died in Sadar Hospital and subsequently Harinath Giri also died during treatment.

Learned counsel for the petitioner submits that allegations are general and omnibus in nature and there is no specific allegation against the petitioner. The postmortem report does not support the allegation as made in FIR as Harinath Giri

had only one injury though there is allegation against 9 accused persons of assaulting him and he died after three days during the course of treatment.

It is further submitted that Madan Giri died and post mortem report shows one abrasion on forehead, lacerated wound below eye, swelling and fracture over left temporal bone, which shows that there was only one grievous injury caused by hard and blunt substance and allegation of assault is upon four persons namely Arvind Giri, Pawan Giri, Akash Giri and Raj Kumar Giri (petitioner). There was no intention to kill anyone rather it happened as there was free fight between both the parties arising out of sudden provocation and anger.

There is case and counter case in respect of same occurrence.

Similarly, placed accused with similar allegation has been granted bail by this Court vide order dated 18.08.2021 passed in Criminal Miscellaneous No. 44142 of 2021. Petitioner has got no criminal antecedent and is in custody since 22.03.2020.

Learned senior counsel Mr. Bindhyachal Singh, appearing for the Informant vehemently opposes the prayer for grant of bail to the petitioner as two person were killed in said

occurrence and there is allegation against petitioner of assaulting both the victims.

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, where one of the bailor will be the father of the petitioner.

(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/her absence on two consecutive dates without sufficient reason, his/her 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)

ranjan/-

U			
---	--	--	--