

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41141 of 2020

Arising Out of PS. Case No.-166 Year-2020 Thana- DARIYAPUR District- Saran

1. Vinay Giri @ Vinod Giri S/o Late Manager Giri Resident of Village- Mathchilawe, Police Station-Dariyapur, District-Saran at Chapra.
2. Sandeep Giri S/o Harendra Giri Resident of Village- Mathchilawe, Police Station-Dariyapur, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-04-2021 Heard learned counsel for the petitioners, learned A.P.P for the State and learned counsel for the informant through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Sessions Trial no. 293 of 2020 arising out of Dariyapur P.S. Case no. 166 of 2020 registered under section 307 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., on the orders of Rajendra Giri, it is stated that the petitioner no.1 fired on the informant while the other accused persons including the petitioner no.2 also fired indiscriminately.



It is submitted by learned counsel for the petitioners that the allegation as levelled in the F.I.R. are false and concocted. The injury has been found to be simple in nature. The allegations against petitioner no.2 with others are general and omnibus in nature. The petitioners are in custody since 5.7.2020 and chargesheet has been submitted in the case. It is further submitted that there is an unexplained delay of two days in lodging of the F.I.R.

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 not only the petitioners are named in the F.I.R. but there is direct allegation against them which is supported by the injury report.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against petitioner no.1, this Court is not inclined to enlarge the petitioner no.1 on bail and the same is rejected.

However, liberty is granted to the petitioner no.1 to renew his prayer for bail after completing one year in custody.

In the facts and circumstances of the case, taking into consideration the nature of allegations and the period in custody, the petitioner no.2 is directed to be enlarged on bail in



connection with Sessions Trial no. 293 of 2020 arising out of
Dariyapur P.S. Case no. 166 of 2020 on furnishing bail bond of
Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of the learned 3rd Additional
Sessions Judge, Saran at Chapra.

(Partha Sarthy, J)

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