

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23283 of 2021**

Arising Out of PS. Case No.-191 Year-2020 Thana- PHULWARIYA District- Gopalganj

GIRISH DEO DIXIT, Son of Late Sakaldeo Dixit, R/o village - Chamari
patti, P.S.- Phulwaria, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Lalan Kumar, Advocate
For the Opposite Party : Mrs. Madhuri Lata, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 05-01-2022 Due to the third wave of COVID-19 Pandemic, the
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Further, learned counsel for the petitioner is permitted
to make necessary corrections in paragraph no. 1 and prayer
portion of the bail application.

The petitioner is apprehending his arrest in
connection with Phulwaria P.S. Case No. 191 of 2020 for the
offence registered under Sections 307, 353/34 of the I.P.C.,



25(1-A), 25(1-b)a, 26, 27, 35 of the Arms Act and Sections 8(c) and 21(a) of the N.D.P.S. Act.

The prosecution story, in brief, is that the informant and other police forces on getting information went to the place of occurrence and on search the said place, two persons started escaping from behind the school there. The police tried to chase the said two persons who opened fire on the cops. In defence, the police also fired upon them. One accused succeeded in escaping from there after having thrown his pistol. One Abhimanyu Tiwari @ Mannu Tiwari was arrested and from his possession, one rifle, one pistol, one Mobile and 3.74 mg. Smack was recovered and one country made pistol also recovered from the said place. The name of the person who succeeded in escaping was disclosed as Girish Dev Dikshit (petitioner). It is also alleged that the said two persons were planning to take revenge from his old enmity, namely, Pappu Pandey.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There was a scuffle which took place between the police party and the local



residents. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Nothing incriminating article is said to have been recovered from possession of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of the learned District and Sessions Judge, Gopalganj, Bihar, in connection with Phulwaria P.S. Case



No. 191/2020, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall
furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with
two sureties of the like amount each within a period of eight
weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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