

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18712 of 2022

Arising Out of PS. Case No.-273 Year-2021 Thana- DARIYAPUR District- Saran

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Bittu Giri, S/o Gumati Giri R/o village- Mathchilaway, P.S.- Dariyapur,
District- Saran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2022 Heard learned counsel for the petitioner and the
learned APP for the State..

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Dariyapur P.S. Case No.273 of 2021 instituted under
Sections 147, 341, 323, 307, 379, 504 of the IPC.

The allegation in the FIR is that the accused persons
surrounded the informant's father Mahesh Giri and started
assaulting him indiscriminately. Further specific allegation
against Dipan Giri and Dipak Giri is that they assaulted him
with iron rod and '*gadasi*' respectively and snatched mobile and
cash of Rs.2000/-. The injured was later taken to the Primary
Health Center followed by being referred to the Patna Medical
College Hospital for the treatment. The reasons behind the



occurrence is the previous enmity between the parties.

Learned counsel for the petitioner submits that so far as allegation against this petitioner is concerned, save and except that he was part of the mob, no role has been attributed to him. He further submits that though the petitioner have criminal antecedent but in this case he has been falsely implicated in the case, for which he has already suffered by being in jail since 19.01.2022 (as stated in para-9 of the bail application).

Taking into account the aforesaid fact that no role has been attributed to the petitioner, he is in custody since 19.01.2022 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail, but with condition in view of the fact that he has criminal antecedents.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Dariyapur P.S. Case No.273 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Saran, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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