

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22756 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- BISFI District- Madhubani

Chitrnanjan Giri Son of Dinesh Giri R/o- Village- Sindhnia Ward No-12, P.S.-
Sindhia, Dist-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 26350 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- BISFI District- Madhubani

Anand Kishor Giri S/o Raj Kumar Giri R/o village- Dahoura, P.S.-
Manigachhi, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22756 of 2022)

For the Petitioner/s : Mr. Rakesh Prabhat, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

(In CRIMINAL MISCELLANEOUS No. 26350 of 2022)

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 01-09-2022 Learned counsel for the petitioner submits that due to inadvertence the name mentioned in para 7 and 8 as Ajay Kumar Thakur has wrongly been typed in place of Raju Kumar Thakur and seeks permission to correct the same.

Permission granted.

Learned counsel for the petitioner is directed to

correct the name in paragraph 7 and 8 of the petition in course of the day.

Both the cases has arisen from the same P.S., therefore, hearing is being made commonly.

Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.Ps. for the State.

The petitioners seek regular bail in connection with Bisfi P.S. Case No. 183 of 2021 lodged under Sections 302, 307, 120(B)/34 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the informant's father who used to run a jewellery shop under the banner of Gauri Shankar Jewellers was present on his shop in the evening of 29.07.2021. All of a sudden, 2 boys who came on Honda Shine Motorcycle entered into the shop attacked on the informant and his father. By their attack, informant's father was wholly injured. Thereafter, both the boys fled away making continuous firing towards east. When the informant reached the hospital, his father was declared dead. A suspicion has been casted upon by the informant against his cousin brother Raju Kumar Thakur.

Learned counsel for the petitioner submits that they

were not named in the F.I.R. Their name has figured in this case by the confessional statement of Raju Kumar Thakur. They further submitted that nothing indiscriminating was recovered from their possession. No T.I.P. has taken place. They further submits that petitioner of first case is in custody since 13.09.2021 whereas the petitioner of second case is in custody since 15.09.2021, charge sheet has already been filed in this case and both have no criminal antecedent. They also submits that the named accused Raju Kumar Thakur was granted bail by the Co-ordinate Bench of this Court vide order dated 28.04.202 passed in Cr. Misc. No. 72451 of 2021.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that there are evidence of direct involvement of both the petitioners in the said crime. He further submits that in the rejection order, learned Court has indicated that in para 61 of the case diary, the mobile location of the petitioners are same where the said shop is situated.

Learned counsel for the State submits that case diary has been called for. In this case, upon going through the case diary, it transpires that mobile location of accused persons other than 2 petitioners were found to be there.

In the present facts and circumstances of this case

and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M – I, Benipatti Madhubani in connection with Bisfi P.S. Case No. 183 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioners.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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