

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35578 of 2021

Arising Out of PS. Case No.-215 Year-2016 Thana- SAHEBGANJ District- Muzaffarpur

VIKASH KUMAR @ VIKASH GIRI, Son of Narayan Giri @ Sri Narayan
Giri @ Shivnarayan Giri, Resident of Village - Meghawar, P.S.- Jamo Bazar,
Dist.- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Devendra Kumar Sinha, Senior Advocate Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-02-2022 Heard learned counsel for the parties through video
conferencing.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

This application for anticipatory bail arises out of
Sahebganj P.S. Case No. 215 of 2016 for the offence under
Section 394/302 of the Indian Penal Code.

As per the prosecution case, the deceased was
killed while he was coming back to his house and case was
registered against unknown.

It has been submitted by learned senior counsel for
the petitioner that during investigation some witnesses are said
to have seen the occurrence but the petitioner has no motive for
committing the crime and he works at a distance of 40 K.M.
from the place of occurrence.



Learned APP for the State appears and opposes the bail petition by submitting that it is a case of murder and the petitioner is said to have participated in the crime.

Considered the submissions of the parties.

Independent witnesses in paragraph nos. 21, 22, 23 and 24 of the case diary, who have seen the occurrence, have identified the petitioner as one of the persons who had killed the deceased.

In such view of the matter, this is not a fit case for grant of anticipatory bail to the petitioner. Accordingly, this bail application is dismissed.

The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by this order. The Court below will also consider the fact that one co-accused person has been granted regular bail.

(Sandeep Kumar, J)

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