

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42566 of 2021

Arising Out of PS. Case No.-947 Year-2020 Thana- MADHAURAH District- Saran

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AJAY GIRI Son of Munilal Giri Resident of Village - Bahuwara Patti, P.S.-
Madhaura, Distt.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Madhaura PS case no. 947 of 2020 instituted for the offences punishable under Sections 307 and other allied sections of Indian Penal Code.

The allegation is regarding the accused persons having broken the door of the house of the informant and are stated to have assaulted the mother of the informant. As far as the petitioner is concerned, he is alleged to have taken away a



box containing clothes, silver ornaments and cash. As far as other accused persons are concerned, they are stated to have assaulted the mother of the informant and had given *dab* blow on her neck and head, resulting in her sustaining serious injuries. It is further alleged that the informant is own niece of the co-accused person namely Lalbabu Giri and there is a pre-existing land dispute amongst them.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 05.02.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one other case but he is on bail in the said case. It is next submitted that as far as the petitioner is concerned, no allegation regarding him having indulged in any sort of overt act has been levelled and injuries sustained by the injured persons are attributable to the co-accused persons, hence lenient view may be taken by this Court for the purposes of grant of bail to the petitioner herein.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that there is no specific allegation of any sort of overt act having been indulged in by the petitioner herein and moreover, the petitioner is languishing in custody since 05.02.2021, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Saran at Chapra in connection with Madhaura PS case no. 947 of 2020.

(Mohit Kumar Shah, J)

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