

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3355 of 2022

Arising Out of PS. Case No.-166 Year-2020 Thana- DARIYAPUR District- Saran

Ravindra Giri Son of Ram Dayal Giri Resident of Village - Mathchilawe,
P.S.- Dariyapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63333 of 2021

Arising Out of PS. Case No.-166 Year-2020 Thana- DARIYAPUR District- Saran

Chitranjan Giri Son of Late Shobhan Giri @ Shoman Giri Resident of
Village- Mathchelwa, P.S.- Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3355 of 2022)

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

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

For the Informant : Mr.Satyapal Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 63333 of 2021)

For the Petitioner/s : Mr.Akshansh Ankit, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-03-2022

CRIMINAL MISCELLANEOUS No.3355 of 2022

Heard learned counsel for the petitioner, learned
counsel for the informant and Shri Bhanu Pratap Singh, learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dariyapur
P.S. Case No. 166 of 2020 instituted for the offences under



Sections 147, 148, 149, 504, 307 and 379 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 24.10.2021, charge-sheet has been submitted in the case, charges have been framed and has antecedent of five cases.

At this stage, learned counsel for the informant interjects and submits that the petitioner has antecedent of seven cases.

Learned counsel for the petitioner submits that the informant in the F.I.R. alleges that the accused persons including the petitioner, variously armed, came at the *dalan* of the informant and on the orders of the petitioner, Vinod Giri @ Vinay Giri fired at the informant causing injury in his stomach and thigh and also snatched his gold chain, further Guddu Giri and Ravi Ranjan Giri fired at Lav Kush Giri causing injury, further Mahanth Giri and Dhananjay Giri fired causing injury to Haridayal Giri, Priya Ranjan Giri and Shailesh Giri fired causing injury to Manjeet Giri, further Baban Giri, Madhusudan Giri, Sandeep Giri, Chitranjan Giri and Meghnath Giri fired causing injury to Ratnesh, Bisheshwar and Raj Kishore Giri. It is further alleged that the injured were brought to the P.H.C.



Dariyapur from where they were referred to PMCH, Patna.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case based on his antecedents. It is submitted that it absolutely does not stand to reason that when the informant himself was injured then how could he with certainty allege that which accused fired hitting which of the injured, this in itself demonstrates that the informant has tried to falsely implicate the petitioner by alleging that he is an order giver. Learned counsel further submits that Sandeep Giri has been granted bail vide order dated 12.04.2021 in Cr. Misc. No. 41141 of 2020 and Vinod Giri has been granted bail vide order dated 30.07.2021 in Cr. Misc. 41102 of 2021. Learned counsel submits that these co-accused had criminal antecedents more than the present petitioner.

Learned counsel for the informant opposes the bail application and submits that the petitioner has seven antecedents and bail application of Ravi Ranjan Giri was permitted to be withdrawn vide order dated 01.02.2022 in Cr. Misc. 50133 of 2021.

Learned counsel for the petitioner submits that bail application of Ravi Ranjan Giri was permitted to be withdrawn with liberty to renew his prayer for bail after framing of charge.



Learned counsel further submits that the charges against the petitioner has been framed on 28.02.2022.

Learned A.P.P. for the State also vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody, charges have been framed and the co-accused have been granted bail as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Saran at Chhapra in connection with Dariyapur P.S. Case No. 166 of 2020 with a condition that one of the bailors shall be his father (Ram Dayal Giri) and if the petitioner on any date in the trial does not appear without any plausible explanation, the learned court below shall forthwith cancel his bail bonds. In the event if the charges are not framed then the petitioner shall not be released.

CRIMINAL MISCELLANEOUS No. 63333 of 2021

Heard learned counsel for the petitioner, learned counsel for the informant and Shri Satya Nand Shukla, learned A.P.P. for the State.

The petitioner seeks bail in connection with Dariyapur P.S. Case No. 166 of 2020 instituted for the offences under Sections 147, 148, 149, 504, 307 and 379 of the Indian Penal



Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 31.08.2021, charge-sheet has been submitted in the case, charges have been framed and has antecedent of one case.

Learned counsel for the petitioner submits that the informant in the F.I.R. alleges that the accused persons including the petitioner, variously armed, came at the *dalan* of the informant and on the orders of Ravindra Giri, Vinod Giri @ Vinay Giri fired at the informant causing injury in his stomach and thigh and also snatched his gold chain, further Guddu Giri and Ravi Ranjan Giri fired at Lav Kush Giri causing injury, further Mahanth Giri and Dhananjay Giri fired causing injury to Haridayal Giri, Priya Ranjan Giri and Shailesh Giri fired causing injury to Manjeet Giri, further Baban Giri, Madhusudan Giri, Sandeep Giri, Chitranjan Giri and Meghnath Giri fired causing injury to Ratnesh, Bisheshwar and Raj Kishore Giri. It is further alleged that the injured were brought to the P.H.C. Dariyapur from where they were referred to PMCH, Patna.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case based on his antecedents. It is submitted that it absolutely does not stand to



reason that when the informant himself was injured then how could he with certainty allege that which accused fired hitting which of the injured, this in itself demonstrates that the informant has tried to falsely implicate the petitioner. Learned counsel further submits that Sandeep Giri has been granted bail vide order dated 12.04.2021 in Cr. Misc. No. 41141 of 2020 and Vinod Giri has been granted bail vide order dated 30.07.2021 in Cr. Misc. 41102 of 2021. Learned counsel submits that these co-accused had criminal antecedents more than the present petitioner.

Learned counsel for the informant opposes the bail application and submits that the petitioner has got antecedent of one case and bail application of Ravi Ranjan Giri was permitted to be withdrawn vide order dated 01.02.2022 in Cr. Misc. 50133 of 2021.

Learned counsel for the petitioner submits that bail application of Ravi Ranjan Giri was permitted to be withdrawn with liberty to renew his prayer for bail after framing of charge. Learned counsel further submits that the charges against the petitioner has been framed on 28.02.2022.

Learned A.P.P. for the State also vehemently opposes the prayer for bail of the petitioner.



Considering the fact that the petitioner is in custody, charges have been framed and the co-accused have been granted bail as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional-III Sessions Judge, Saran at Chhapra in connection with Dariyapur P.S. Case No. 166 of 2020 with a condition that if the petitioner on any date in the trial does not appear without any plausible explanation, the learned court below shall forthwith cancel his bail bonds. In the event if the charges are not framed then the petitioner shall not be released.

(Satyavrat Verma, J)

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