

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26901 of 2023

Arising Out of PS. Case No.-368 Year-2021 Thana- KATEYA District- Gopalganj

Amresh Giri @ Shaka Pandit, aged about 35 years, Male, Son of Shri Ram
Giri R/V- Bhagahi, Sohagpur, PS- Kateya Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kateya
P.S. Case No. 368 of 2021 dated 12.10.2021, instituted for the
offences punishable under Sections 394, 302/34 of the Indian
Penal Code.

3. The allegation against the petitioner is that on
11.10.2022 at about 01:30 pm, three persons on a TVS Apache
bike came at *gumti* where the informant's brother, namely,
Mantu Yadav was selling petrol and diesel and they forcibly
took away five litres petrol. In the course of chasing one of
accused persons shot fire on the brother of the informant, on
hearing the sound of firing, the villagers assembled and took
him to Referral Hospital, Kateya where doctor declared him



dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submitted that the petitioner was remanded in this case from Tareya P.S. Case No. 462 of 2021 and taken his signature on a plain paper forcibly and converted it into the confessional statement. It is further submitted that F.I.R. has been lodged against unknown persons and the petitioner is not named in the F.I.R.. Learned counsel further submitted that the petitioner's name transpired only on the basis of self-confessional statement. There is no eye-witness of the occurrence. Lastly, it has been submitted that the petitioner is in custody since 21.11.2022 and have seven criminal cases against the petitioner and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 368 of



2021, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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