

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31773 of 2023

Arising Out of PS. Case No.-222 Year-2021 Thana- FATUA District- Patna

=====

BIMLESH KUMAR GIRI @ VIMLESH KUMAR GIRI @ CHHOTAN Son
of Sri Narendra Goswami Residing at village - Rauni, P.S.- Rajpur, District -
Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mani Madhukar

For the Opposite Party/s : Mr.Amitesh Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Fatuha
P.S. Case No. 222 of 2021 Session Trial No. 484 of 2021
registered for the offences punishable under Sections 302/34 of the
Indian Penal Code read with Section 27 of the Arms Act.

As per prosecution case, the informant alongwith her
daughter and husband gone to Daniyawa to make payment of Rs.
4,00,000/- and when her husband reached near Chhapak Water
Park on the way of Patna Bakhtiyarpur road, some unknown
persons shot him dead.

Learned counsel for the petitioner submits that
petitioner is in custody since 27.03.2021 and bears one criminal
antecedent. Charge sheet has been submitted in the case and there



is no likelihood of tampering with the prosecution evidence. He further submits that bail of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 62184 of 2021 with an observation that learned trial court is directed to conclude the trial within six months from the receipt of the order if there is no substantial progress in the trial within said period, petitioner may renew his prayer for bail. He further submits that petitioner is not named in F.I.R.. During the course of investigation name of present petitioner has been transpired on the basis of spy and in his confessional statement before police, the petitioner accepted his guilt of firing and on the said firing the death of informant's husband took place. Except confessional statement of the petitioner, there is nothing on record to demonstrate the complicity of the present petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the petitioner may renew his prayer for bail. He further submits that still trial is at stage of framing of charge.

Considering the facts and circumstances of the case, period of custody, trial is not concluded within six months and the



delay of trial is not attributable to the petitioner, arguments advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge Ist, Patna City, Patna in connection with Fatuha P.S. Case No. 222 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

