

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32265 of 2023

Arising Out of PS. Case No.-467 Year-2022 Thana- KHAIRA District- Saran

Vijay Giri @ Bijay Giri S/O Late Hikayat Giri R/O Village- Rampur Mathiya,
P.S- Khaira, Distt.-Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vagisha Pragya Vacaknavi
For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-09-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of Arms Act.

3. Allegation against the petitioner along with other two co-accused persons is that they fired upon the informant due to which the informant sustained gun shot injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to previous land dispute between the parties. It is further submitted that as per



FIR, the allegation against the petitioner along with other two co-accused persons is that they fired upon the informant but according to medical report which has been annexed with supplementary affidavit para-5 filed on behalf of the petitioner that only 2 firearm injuries sustained, one on the right hand and other one is on the lower chest of the informant. So, it cannot be said that out of two fire arm injuries sustained by the informant, which one was fired by the petitioner. It is also submitted from para-8 of this petition that during investigation, I.O has not found any blood or bullet shell at the place of occurrence and none of the witnesses has made any specific allegation of firing made by the petitioner. Moreover, the petitioner is languishing in judicial custody since 27.12.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Khaira P.S. Case No. 467 of 2022 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the
satisfaction of learned Judicial Magistrate-1st Class, Chapra.

(Sunil Kumar Panwar, J)

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