

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.43160 of 2022

Arising Out of PS. Case No.-281 Year-2019 Thana- DARAUNDA District- Siwan

ARUN KUMAR GIRI Son of Chandrashekhar Giri Resident of Village -
Rukundipur ke Mathiya, P.S.- Daraunda, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate
Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 31-01-2023 Heard the learned senior counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Daraunda P.S. Case No. 281 of 2019, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 326, 307 and 302 of the Indian Penal Code.

The accused persons are alleged to have arrived at the door of the house of the informant, whereafter some of them had dragged the brother of the informant, namely, Raj Kumar Giri and taken him out of the house, whereupon the co-accused persons, namely, Anuj Kumar Giri, Prashant Kumar Giri and the petitioner herein had given spear blow on the ribs of the brother of the informant near his chest resulting in the said Raj Kumar Giri falling on the ground. Thereafter, the said co-accused persons are alleged to have assaulted the said Raj



Kumar Giri by sticks. It is also alleged that other family members of the informant were also assaulted by the co-accused persons.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 03.03.2022. It is further submitted by the learned senior counsel for the petitioner that though the petitioner is an accused in one another case, but he is on bail in the said case. The learned senior counsel for the petitioner has also submitted that though the petitioner is in custody since 03.03.2022, however, during the interregnum period, he was granted provisional bail vide order dated 28.09.2022 on account of death of his son and, thereafter, he has surrendered on 11.10.2022. It is next submitted that exactly similarly situated co-accused person, namely, Anuj Kumar Giri who has also been alleged to have given spear blow on the brother of the informant, has already been granted bail vide order dated 13.01.2022 passed in



Criminal Miscellaneous No. 45770 of 2021.

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 senior counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a Co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IX, Siwan in connection with Daraunda P.S. Case No. 281 of 2019.

(Mohit Kumar Shah, J)

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