

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55964 of 2023

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

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BABAN GIRI S/O SATYA NARAYAN GIRI R/O VILLAGE-
RAMPURMATHIYA, P.S.- KHAIRA, DIST.- SARAN AT CHAPRA
(BIHAR) Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-08-2023 Heard learned counsel for the parties.

2. By the instant application the petitioner has renewed his prayer for grant of anticipatory bail in connection with Khaira P.S. Case no. 467 of 2022 registered under sections 307, 341, 323, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. The earlier prayer for anticipatory bail of the petitioner was dismissed vide order dated 12.7.2023 (Annexure-1) passed in Cr. Misc. no. 28782 of 2023 in the following terms :

“After some argument, learned counsel for the petitioner seeks permission to withdraw this application.

This application is dismissed as withdrawn.”

4. As per the prosecution case, the informant states that three named accused persons including the petitioner herein fired indiscriminately as a result of which he sustained gun shot injury in his stomach as also in his hand.



5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Referring to the order of the learned Single Judge together with the discharge summary (Annexure-5) issued by the doctor of Dr. Ram Manohar Lohia Hospital, New Delhi it is submitted that the said report is signed by three doctors. On an application (Annexure-6) filed under the RTI by the relative of the petitioner, the reply which he received was that the said doctor was not posted at the hospital on the date the said discharge summary/report is said to have been issued. It is further submitted that the said document was not in possession of the petitioner when he moved the application for anticipatory bail on the earlier occasion. Hence the instant fresh application for anticipatory bail.

6. Heard learned APP for the State.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR wherein the petitioner along with two others are said to have resorted to firing as a result of which the informant sustained two gun shot injuries together with the prayer for anticipatory bail of the petitioner having been dismissed on earlier occasion on 12.7.2023, the Court is not inclined to enlarge the petitioner



on anticipatory bail and the same is rejected.

8. The petitioner is directed to surrender in the learned
trial Court within a period of four weeks.

(Partha Sarthy, J)

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