

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58604 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- HARLAKHI District- Madhubani

1. PRADEEP GIRI S/O RAMASHISH GIRI Resident of village- Jitwariya (Giri Tola). P.S.- Kalyanpur, District- Samastipur
2. NAVIN GIRI S/O LATE VIDYANAND GIRI Resident of village- Jitwariya (Giri Tola). P.S.- Kalyanpur, District- Samastipur
3. ABHAY GIRI S/O SURENDRA GIRI Resident of village- Jitwariya (Giri Tola). P.S.- Kalyanpur, District- Samastipur
4. RAJIV KUMAR S/O ASHOK SAH Resident of village- Ladaura, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2023 Heard the learned counsel for the
petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Harlakhi P.S. Case No. 138 of 2022 registered for the offence punishable under Sections 420, 328, 379 and 34 of the Indian Penal Code.

The allegation is regarding the accused persons having arrived at the house of the informant, who was sitting at his door along with



his daughter-in-law on 17.5.2022 at about 10:00 am., whereafter one of the accused persons had depicted himself to be a baba and had told them that a bad women may befall on the son and grandson of the informant and something wrong may happen to them, whereafter they had given a glass of water to the informant and told him to sprinkle water towards the south of the road and then, the accused persons sprinkled water on the daughter-in-law of the informant, resulting in the informant and his daughter-in-law becoming unconscious. It is also alleged that the said miscreants had then decamped with jewellery from the house of the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 18.05.2022. The learned counsel for the petitioners has submitted, by referring to the seizure list, which has been prepared after the accused persons



had been apprehended immediately after the said occurrence, that no jewellery has been recovered from the petitioners, hence, it is submitted that the petitioners are not having any complicity in the matter and have been falsely implicated by the village chaukidar.

Per contra, the learned APP 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 counsel for the petitioners and taking into account the materials on record as also considering the fact that no jewellery has been recovered from the petitioners, as is apparent from the seizure list, which is alleged to have been stolen from the house of the informant, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on



furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Benipatti (Madhubani) in connection with Harlakhi P.S. Case No. 138 of 2022.

(Mohit Kumar Shah, J)

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