

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59013 of 2022

Arising Out of PS. Case No.-378 Year-2022 Thana- BIDUPUR District- Vaishali

1. Dinesh Giri S/o Lal Mohan Giri @ Lalmohar Giri R/o village- Raghapur chaturang, P.S.- Bidupur, District- Vaishali
2. Brajesh Kumar Giri S/o Nareshi Giri R/o village- Raghapur chaturang, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-02-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Bidupur P.S. Case No. 378 of 2022 lodged under Sections 302, 201, 34 of the I.P.C.

As per the prosecution case, the informant was returning to his village after having a feast then, he has seen that his son was sitting at a lonely place.

Learned counsel for the petitioners submits that at about 8:30 PM, informant's son came with the petitioners. After one hour, they were crossing from the informant's house then, informant enquired about his son then he informed that his son is at *Kali Sthan*. In the night, when he did not return, he started

searching then on 12.07.2022, at about 3 PM, it was found that, the dead body of the his son was found in the well situated in the mango orchard of one Manoj Sah thereafter, the F.I.R. has been lodged.

Counsel for the petitioners submits that as per the F.I.R., the date of occurrence is 09.07.2022 but F.I.R. has been lodged on 13.07.2022 that is delay of about 5 days. Counsel further submits that the petitioners are the agnates of the informant. He also submits that the deceased son of the informant was gambler and always used to enter into dispute with different persons.

Counsel further submits that antecedent of the petitioners are clean and they are in custody since 26.07.2022. Charge-sheet has been filed as well as charge has also been framed in this case.

Learned counsel for the State opposes the prayer for bail and submits that the last seen theory apply on the present petitioners. He also submits that there is strong suspicion against the present petitioners. He also submits that after framing of charge, evidence is going on.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned chief Judicial Magistrate, Vaishali

at Hajipur in connection with Bidupur P.S. Case No. 378 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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