

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63995 of 2022

Arising Out of PS. Case No.-145 Year-2021 Thana- BASANTPUR District- Siwan

SANTOSH GIRI S/o Late Bhagwan Giri R/o Village- Bankajua, Mathia, P.S.-
Bhagwanpur hat, Distt- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pratima Devi W/o Santosh Giri R/o village- Usari, P.O.- Chorma, Panchayat,
Kanhauri, P.S.- Basantpur, Distt- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.06.2022, in connection with Basantpur P.S. Case No.
145/2021, F.I.R. dated 17.04.2021, for the offences punishable
under Sections 341, 323, 436, 498(A), 504, 506, 494 and 34 of
the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated. In fact, no such occurrence as
alleged in the F.I.R. has taken place. He further submits that the



informant is not legally married wife of the petitioner and earlier the informant has also filed a case bearing Bhagwanpur P.S. Case No. 200/2019 u/s 341, 323, 498(A), 504, 506/34 of the Indian Penal Code. He further submits that no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.06.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned C.J.M., Siwan, in connection with Basantpur P.S. Case No. 145/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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