

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71571 of 2023**

Arising Out of PS. Case No.-92 Year-2020 Thana- GAUTAMBUDHNAGAR
District- Siwan

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SIWA GIRI @ SHIWANAND GIRI SON OF JAGJIWAN GIRI R/O VILLAGE-
AHIRANI, P.S.- G.B. NAGAR, DIST.- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-12-2023 Heard Mr. Raghav Prasad, learned counsel for the
petitioner and Mr. Anil Kumar, learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 23 of 2021 arising out of G.B. Nagar P.S. Case No. 92 of
2020 registered for the offence under Sections 341, 323, 34, 307,
504, and 506 of the Indian Penal Code and Section 27 of the Arms
Act.

Earlier the prayer for bail of this petitioner has been
rejected vide order dated 20.01.2021 passed in Cr. Misc. No.
32904 of 2020, order dated 13.04.2021 passed in Cr. Misc. No.
57249 of 2021 and vide order dated 24.06.2023 passed in Cr.
Misc No. 8641 of 2023 with liberty to renew his prayer for bail
after three months if the trial is not concluded with the aforesaid
period and the petitioner has renewed his prayer on the ground



of present stage of the trial which is not concluded as yet.

Since the prayer for bail of the petitioner has already been adjudicated on merit, this Court while entertaining the present application for prayer for bail of the petitioner, a report with regard to present stage of the trial was called for by this Court vide order dated 10.11.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that the altogether four witnesses have been examined out of five charge-sheet witnesses and only I.O. is to be examined.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 30.04.2020 i.e more than three years.

Considering the facts and circumstances of the case and the present stage of the trial and the period of custody, let the, above named, petitioner 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 Sessions Judge-II, Siwan in connection with S.Tr. No. 23 of 2020 arising out of G.B. Nagar P.S. Case No. 92 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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