

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73435 of 2022**

Arising Out of PS. Case No.-153 Year-2022 Thana- CHIRAIYA District- East Champaran

SAHEB GIRI S/o Lalbabu Giri R/o Village- Harnarayan, P.S.- Pipra, Distt-  
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr. Syed Mojibur Rahman

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      10-05-2023                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public Prosecutor  
for the State.

Petitioner seeks bail, who is in custody since 22.06.2022  
in connection with Chiraiya P.S. Case No. 153/2022, F.I.R. dated  
25.03.2022, for the offences punishable under Sections 302,  
120(b) of the IPC & Section 27 of the Arms Act.

According to prosecution case, the petitioner along with  
other co-accused persons have fired upon the brother of the  
informant due to which he succumbed to the injury.

Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in the present case. He  
further submits that the petitioner is not named in the F.I.R. The  
name of the petitioner has been transpired during investigation on



the basis of confessional statement of co-accused, namely, Baleshwar Sahani and in his confessional statement, Baleshwar Sahani has clearly stated that the co-accused persons, namely, Chotu Singh, Raju and Vinod have fired upon the victim and the petitioner was associate with the other co-accused persons. He further submits that the co-accused persons, namely, Radheshyam Tiwari and Santosh Tiwari have been granted bail by a co-ordinate Bench of this Court vide order dated 27.04.2023 passed in Cr. Misc. No. 73872/2022 and another co-accused, namely, Harendra Sahani has been granted bail vide order dated 22.10.2022 passed in Cr. Misc. No.45484/2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.06.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was accompanied with other accused persons and the petitioner has carried 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./Concern



Court, East Champaran, Motihari in connection with Chiraiya P.S.  
Case No.153/2022, 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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