

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46283 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- RASULPUR District- Saran

Uttam Giri Son of Sri Basudeo Giri Resident of Vill- Chapraitha, P.S.-
Rasulpur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Srivastava, Sr. Advocate Mr. Vijay Kumar, Advocate Mr. Satyender Kumar Bhatnagar, Advocate
For the Opposite Party/s :		Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-07-2024 Heard Mr. Arvind Srivastava, the learned senior
counsel for the petitioner and Ms. Renu Kumari, the learned
Additional Public Prosecutor for the State.

2. At the outset, the learned counsel for the petitioner
submits that inadvertently, the paragraph no. 3(XI) has wrongly
been typed and seeks permission to withdraw the same.

3. Permission, as prayed for, is accorded. It appears
that only ten cases are pending against the petitioner.

4. Petitioner seeks regular bail who is in custody since
28.03.2024, in connection with Rasulpur P.S. Case No. 239 of
2023, FIR dated 03.10.2023, registered for the offences
punishable under Sections 302, 120(B) and 34 of the Indian
Penal Code and under Section 27 of Arms Act.



5. Earlier the petitioner has moved before this Hon'ble Court in Cr. Misc. No. 4747 of 2024, which was withdrawn vide order dated 21.03.2024.

6. According to the prosecution case, while the informant along with his companions was going to Gopalganj and their vehicle was intercepted by the co-accused persons. It is further alleged that co-accused persons assaulted Surajkant Giri with *rod, dabb* and sword and Dhramvir Giri pointed out country made pistol and opened fire upon the head of the Surajkant Giri and other co-accused persons also opened fire upon informant and rest of his companions.

7. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner, rather the specific allegation of assault is against co-accused person namely, Dhramvir Giri, who has opened fire upon the head of the deceased, and at best the petitioner may be considered as the member of the mob. Apart from that, the other co-accused persons namely, Jairam Giri, Sarita Devi and Sunita Devi have been granted bail by a co-ordinate Bench of this Court vide order dated 01.02.2024



passed in Cr. Misc. No. 842 of 2024. He lastly submits that the police after investigation has submitted chargesheet against the petitioner and the petitioner is in judicial custody since 28.03.2024.

8. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries ten criminal antecedents other than the present one, however, he fairly admits that on the basis of the paragraph no. 3 of the bail petition, petitioner is on bail in all the pending matters.

9. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of any assault or overt act attributed against the petitioner and other similarly situated co-accused persons have been granted bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra, in connection with **Rasulpur P.S. Case No. 239 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with t44541he evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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