

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82537 of 2023

Arising Out of PS. Case No.-209 Year-2023 Thana- MAHARAJGANJ District- Siwan

ADITYA RAJ @ ANKUSH @ ADITYA GIRI @ ADITYA RAJ GIRI @
ANKUR SON OF BARJESH GIRI @ BRAJESH GIRI RESIDENT OF
VILLAGE- MADHOPUR A/P AFRAD, P.S.- MAHARAJGANJ, DISTRICT-
SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 09-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Maharajganj P.S. Case No. 209 of 2023 dated 31.07.2023 registered for the offences punishable u/ss 302, 328, 201 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, on 30.07.2023, the informant's father went out of the house and did not return till late night then the informant started searching him. It is further alleged that on 31.07.2023, he got information that the dead body of his father was recovered from a trolley bag on the road in Pokhra Village. Thereafter, the informant informed police. It is further alleged that the informant's father had recently gave Rs. 6,00,000/-



to Geeta Devi, Amit Giri and the petitioner. The informant's father asked the co-accused persons and the petitioner to repay the money upon which they threatened him. On 28.07.2023, the co-accused, Geeta Devi took Rs. 4,00,000/- for the registration of the land in the name of the informant's father. The informant apprehends that the co-accused persons along with the petitioner conspired and maliciously gave poisonous substance to the informant's father with intention of usurping Rs. 10,00,000/- and threw the dead body out of the house on the road.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has surfaced in this case merely on suspicion. It is further submitted that the informant and the co-accused, Geeta Devi is full brother and sister and the petitioner is the son of Geeta Devi. There is no specific allegation against the petitioner rather the allegation is general and omnibus. Learned counsel has further submitted that the informant is not an eye witness of the alleged occurrence. It is further submitted that there is no any dispute regarding issue of money between the parties. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 02.08.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that in para 28 of



the case diary, the petitioner has stated that the brother of the petitioner namely Amit Giri @ Nitesh Giri has killed the informant's father (petitioner's uncle) by administering alcohol/intoxicating substance and pressing his neck.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Maharajganj P.S. Case No. 209 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

Gautam/-

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