

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.842 of 2024

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

1. Jayram Giri Son Of Ramasray Giri Resident Of Village -Chaparaitha, Ps- Rasulpur, Dist- Saran
2. Sarita Devi Dharamvir Giri @ Sarita Devi Wife Of Dharamvir Giri Resident Of Village -Chaparaitha, Ps- Rasulpur, Dist- Saran
3. Sunita Devi Shashi Bhusan Giri @ Sunita Devi Wife Of Shashi Bhusan Giri Resident Of Village - Yashwant Seth Banglam, Tare Compound Bhiwandi, Kamatghar, Thane Ps- Maharashtra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Jha

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-02-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case instituted for the offence under Sections 302, 120(b)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per allegation in the FIR, informant along with his two brothers and one co-villagers were going to Gopalganj by Car. As he reached near Chapraitha toll tax, six miscreants on two motorcycles ambushed there and suddenly they attacked on their vehicle due to which informant lost the control over the vehicle and fell down into a pit. It is further alleged that



miscreants took out his brother from car and assaulted him by means of lathi, danda, rod, dab and gunshot with intention to kill him and he died on spot.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. No one is the eye witness of the alleged occurrence. Only on the basis of suspicion, name of the petitioners have been dragged in the present case. Specific overt act of opening fire is against co-accused Dharmveer Giri, who fired on the order of co-accused Shashi Bhusan. General and omnibus allegations have been levelled against the petitioners. During investigation, no consistent material has come against the petitioners to show their involvement in the present case. Petitioners is languishing in judicial custody since 4.10.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that petitioner no. 1 has more than five criminal antecedents whereas in para 3 of the petition only two criminal antecedents are mentioned against him. Petitioner nos. 2 and 3 have one criminal antecedent.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is



inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Chhapra in connection with Rasulpur P.S. Case No. 239 of 2023.

7. Trial court shall verify the criminal antecedent of the petitioner no. 1, namely, Jayram Giri, and in case at any stage, it is found that petitioner no. 1 has suppressed his criminal antecedent other than two criminal antecedents as asserted before this Court, the court below shall take steps for cancellation of his bail bond.

(Sunil Kumar Panwar, J)

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