

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8567 of 2026

Arising Out of PS. Case No.-178 Year-2025 Thana- Gaura P.S. District- Saran

Bhushan Giri @ Shashibhushan Kumar Son of Late Lal Babu Giri @ Lalbabu
Giri Resident of Village- Rampur, Pokhra, P.S.- Gaura, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Devashish Giri, Adv.
For the Informant	:	Ms. Chetna, Adv.
For the State	:	Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

6 16-07-2026 Heard the learned Senior counsel for the petitioner,

the learned counsel for the informant and the learned Additional

Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Gaura P.S. Case No. 178 of 2025, registered for the
offences punishable under Sections 103(1), 123, 3(5) of the
BNS.

3. As per the *fardbyean* of the informant, the
prosecution is offshoot of a land dispute between the parties
which discloses *inter alia* that the father-in-law of the informant
had sold a piece of land to the co-accused Manoj Giri and
during course of selling of the land, in question, *khata* and
khesra is said to have been mentioned wrongly and for



rectification of the same, pressure was being launched upon the husband of the informant (deceased) and, in consequence thereof, as stated by the informant, the prosecution, as unfolded in the *fardbeyan* of the informant, Sangita Devi, is that on 04.09.2025 at about 06:00 A.M., the petitioner along with other co-accused persons, allegedly came to the house of the informant and called her husband, Shatrughan Rai, who accompanied them. It is further alleged that at about 12:00 noon, when the informant contacted her husband on his mobile phone, the call was answered by co-accused Uday Giri and it was informed that her husband was sleeping. Since her husband did not return till late in the day, the informant, accompanied by her son, went to the house of the accused persons, where she allegedly found her husband lying unconscious with oozing of blood from his mouth who was already died. On raising her alarm, the petitioner along with other co-accused persons allegedly fled away from the place of occurrence.

4. The learned Senior Counsel for the petitioner has submitted that the specific allegation in the FIR, as such, has been assigned to Manoj Giri as well as Uday Giri. He has further submitted that the dead body of the deceased was also recovered near the house of the co-accused, Uday Giri, where it



was kept in an open space accessible to all. He has also submitted that, in paragraph nos. 4, 5 and 15 of the case diary, the witnesses have not taken the name of the petitioner, rather, in paragraph no. 15 of the case diary, it has come that the dead body of the deceased was recovered close to the house of Uday Giri. He has next submitted that, even though the death occurred due to the consumption of poison, as established by the FSL report, the petitioner is in no way connected with the alleged offence, as even the post-mortem report does not disclose any injury on the person of the deceased. He has further submitted that the inquest report was prepared prior to the lodging of the FIR, which is hit by Section 181 of the BNSS. The petitioner is a person of clean antecedent and has been in judicial custody since 09.10.2025.

5. Per contra, the learned counsel for the informant has submitted that there is allegation against the petitioner in the FIR, supported by the FSL report, wherein poison has been detected. However, on a query being put by this Court as to whether, apart from the fact that the petitioner has been named in the FIR, any witness has also named him during the course of investigation, or any witness has seen him last with the deceased, she has submitted that no witness, during the course



of investigation, have seen the petitioner.

6. On the other hand, the learned APP for the State has opposed the prayer for bail, submitting that paragraph no. 83 of the case diary states that the dead body was found near the house of co-accused Uday Giri. He has also submitted that the allegations made in the FIR are supported by the FSL report.

7. Taking into consideration the materials available on record, it is manifest that there is no direct circumstance or allegation against the petitioner except for the fact that he has been named in the FIR. There is no motive or enmity attributed to him. It also appears that the motive has specifically been assigned to the co-accused, Manoj Giri and Uday Giri and thus the contention on behalf of the petitioner that he may be excluded at this juncture from the circumstances or allegations which are specifically directed against the other co-accused persons, appears to be tenable for purposes of bail.

8. Considering the entire facts and circumstances of the case, especially the clean antecedent of the petitioner coupled with the fact that there is no direct evidence against him, let the petitioner above-named, is directed to furnish bail bond and on doing so, the court below shall release the petitioner on bail on furnishing bail bonds of Rs. 10,000/- with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran in connection with Gaura P.S. Case No. 178 of 2025, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available on each and every date till conclusion of the trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(Raj Kumar, J)

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