

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45818 of 2015

Arising Out of PS. Case No. -100 Year- 2014 Thana -Dumriaghat District- East
Champanan(Motihari)

- =====
1. Ratnesh Giri @ Ratnesh Kumar Giri S/o Ganesh Giri
 2. Bhagya Narayan Giri @ Bhag Narayan Giri S/o Late Anirudh Giri
 3. Rabindra Giri S/o Chandrika Giri
- All residents of Village Rampur, Khajuria Chowk P.S. Dumaria Ghat
Dist. East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.
For the Opposite Party/s : Mr. Nawal Kishore Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 30-10-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for offence under Sections 307 and other allied offences, while this Court would be inclined to grant privilege of anticipatory bail to the petitioner nos. 2 & 3 against whom there is no specific allegation of assault and/or overt act but, then, the same privilege cannot be given to the petitioner no.1 who is said to have assaulted the informant with Farsa on the head and the same has also been found to be there by the doctor in the injury report. The only submission made by the learned counsel for the petitioners that there was a counter case filed by the petitioners as also land



dispute and in the counter case, the accused persons have been granted privilege of anticipatory bail, will not inspire any further compassion for petitioner no.1, inasmuch as, the injury report of the counter case has not been brought on record so as to make out a case of parity between the case of the petitioner no.1 of this case and the accused persons of the counter case.

That being so, if the petitioner nos. 2 & 3, namely, Bhagya Narayan Giri @ Bhag Narayan Giri and Rabindra Giri surrender before the court below within a period of four weeks from today, they shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran, Motihari in connection with Dumariya Ghat P.S. Case No. 100 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to following conditions:-

- (i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are

not an accused in any other case and if they are, they shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioners will be well represented on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

Nothing said in this order, however, shall come in the way of the petitioner no.1 in surrendering and making a prayer for regular bail which shall be decided on its own merit without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

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