

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1478 of 2016

Arising Out of PS.Case No. -211 Year- 2015 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Sukdeo Giri @ Sukhdeo Giri son of Late Lakhan Giri
 2. Bhushan Singh @ Bhushan Giri Son of Sukdeo Giri
 3. Manjay Giri son of Sukdeo Giri
 4. Sanjay Giri @ Dhananjay Giri son of Sukdeo Giri
 5. Deepu Giri @ Bittu son of Late Bishwanath Giri

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. A.A Khan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-01-2016 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341/323/447/324/504/307/34 of the Indian Penal Code.

Prosecution case is that on protest being made for projecting the roof on the land of the informant, the accused persons including the petitioners came started abusing and made assault to the informant. It is specifically alleged that petitioner no.3 Manjay Giri assaulted on the head of the informant with iron rod when Swami Nath Tiwari and Yogendra Tiwari came to rescue they were assaulted by all the accused persons causing

injuries on their leg and head.

It is submitted by learned counsel for the petitioners that except the specific accusation of causing injury against petitioner no.3, the accusation against the other petitioners are omnibus and general and there is counter version of the occurrence also.

Considering the nature of accusation, let the learned Court below consider the prayer for regular bail of petitioner no.3, if he surrenders within a period of six weeks in connection with Raxaul P.S. Case No.211/2015, pending before the learned SDJM, Raxaul at Motihari.

With the above observation, this application so far as it relates to petitioner no.3 Manjay Giri is, accordingly, disposed off.

So far as petitioner nos. 1, 2, 4 and 5 are concerned, let them be released on provisional anticipatory bail for two months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Raxaul at Motihari in connection with Raxaul P.S. Case No.211/2015, subject to the conditions as laid down under Section 438(2)

Cr.P.C.

The provisional bail of petitioner nos. 1,2,4 and 5 shall be confirmed by the learned court below on verification of the fact that informant's side have not received any grievous injury, but if it is found that the informant's side received grievous injury, then they shall surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

Ashwini/-

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