

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17871 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -BANIAPUR District- SARAN

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Hem Narayan Giri S/o Late Bhushan Giri, resident of village- Harpur,
Chhatwa, P.S.- Baniyapur, District- Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Baniyapur P.S. Case No. 253 of 2015 registered for offences

punishable under Section 307 and other allied sections of the

Indian Penal Code.

The prosecution case, in brief, is that on 06.11.2015

when the informant was going towards his house, accused persons,

including the petitioner surrounded him and assaulted with *lathi*,

danda. Accused Kashi Nath assaulted the informant on his head

with *lathi* causing injury and when informant's son, Anil Giri

came to save the informant, accused Ram Dayal Ram assaulted on

his head. 5-10 unknown persons damaged asbestos sheets of

informant's flour mill.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and he is a student of B.A., as is evident from perusal of Annexure-2. He submits that no case under Section 307 of the Indian Penal Code is made out against the petitioner, as he has not inflicted any blow on the informant or his son. He further submits that the petitioner has no criminal antecedent and it was due to land dispute that such occurrence took place, as is evident from the First Information Report and a counter case for the same incident has also been lodged by the petitioner's side being Baniyapur P.S. Case No. 254 of 2015 and both the parties received injuries. He further submits that the allegation upon the petitioner is general and omnibus and no overt act is alleged against him.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since allegation upon the petitioner is general and omnibus and no overt act is alleged against him, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten

thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Baniyapur P.S. Case No. 253 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Nilu Agrawal, J.)

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