

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17970 of 2020

Arising Out of PS. Case No.-894 Year-2019 Thana- MASAUDHI District- Patna

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1. DHARMENDRA GIRI S/o Late Kailash Giri Resident of Village- Sarwan Math, Osmanchak, P.S.- Masaudhi, Distt- Patna.
 2. Birendra Giri S/o Late Kailash Giri Resident of Village- Sarwan Math, Osmanchak, P.S.- Masaudhi, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Niraj Kumar, Advocate
For the State	:	Mr. Ram Bilash Roy Raman, APP
For the informant	:	Mr. Surendra Kishore Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered under Sections 341, 342, 323, 307, 379, 504, 506/34 of the I.P.C. and 27 of the Arms Act.

Prosecution case, in short, is that the accused persons including the petitioners fired upon the sons of the informant, due to which they sustained head injuries. The victims were



taken to the Hospital for treatment.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. General and omnibus allegation has been made. No specific overt act is alleged against the petitioners.

Vide order dated 15.07.2020, the case diary along with injury report was called for. Case diary was received but the injury report has not been received. Again by order dated 01.09.2020, the injury report was called for. As per office note dated 13.10.2020, it has been reported that no injury report has been received till date. On behalf of the petitioners, it has been submitted that due to laches on the part of the prosecution, the petitioner cannot be put to suffer.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the F.I.R.

Considering the fact that there is no injury report on record to support the allegations made in the F.I.R., let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds



of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaudhi, District Patna in connection with Masaudhi P.S. case No.894 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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