

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25081 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- SARAI RANJAN District- Samastipur

1. RAJESHWAR GIRI S/o Late Jugeshwar Giri R/o village- Raipur Bujurge, P.S.- Sarairanjan, District- Samastipur (Bihar)
2. Mithlesh Giri S/o Sri Rajeshwar Giri R/o village- Raipur Bujurge, P.S.- Sarairanjan, District- Samastipur (Bihar)
3. Ramesh Giri S/o Sri Rajeshwar Giri R/o village- Raipur Bujurge, P.S.- Sarairanjan, District- Samastipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramhansh Kumar Puri, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 341, 323, 307, 354(B), 379, 504/34 of the Indian Penal Code.

According to prosecution case, as per F.I.R. allegation against the petitioners is that they assault the informant with Lathi, Iron rod and Garansa respectively, causing injury and when the wife of informant came for rescue, she too was



assaulted by the accused persons and they also disrobbed her.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the occurrence took place on 18.12.2021 but the present F.I.R. instituted on 03.01.2022 after delay of 16 days without any explanation of delay. He further submits that there is case and counter case between the parties and as per allegation as alleged in the F.I.R. that the petitioner and other accused persons assaulted the informant but the injury report of the informant suggest that the injury is simple in nature.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and fairly submits that the injury report of the informant suggest that the injury is simple in nature.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sarairanjan P.S. Case No. 01 of



2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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