

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42636 of 2022

Arising Out of PS. Case No.-10 Year-2018 Thana- KHUDWA District- Aurangabad

1. Bindeshwar Giri Son of Late Jagnarayan Giri Resident of Village - Khudwan Tola @ Khudwa Tola, Shawan Dihuri, P.s.- Khudwan, Distt.- Aurangabad.
2. Uday Kumari Giri @ Uday Giri Son of Bindeshwar Giri Resident of Village - Khudwan Tola @ Khudwa Tola, Shawan Dihuri, P.S.- Khudwan, Distt.- Aurangabad.
3. Binay Kumar Giri @ Binay Giri Son of Bindeshwar Giri Resident of Village - Khudwan Tola @ Khudwa Tola, Shawan Dihuri, P.S.- Khudwan, Distt.- Aurangabad.
4. Bijendra Giri @ Bijendra Kumar Giri Son of Bindeshwar Giri Resident of Village - Khudwan Tola @ Khudwa Tola, Shawan Dihuri, P.S.- Khudwan, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State in Virtual Court proceeding.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 308, 379, 504, 34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant was intercepted and attacked by the accused persons including



the petitioners. It is further alleged that accused Shanti Devi pelted stone over Vikash Kumar and caused head injury to him and Accused Ramniwas Sharma sustained injury on his left hand. Accused Vinay Giri took away mobile phone and Rs. 1000/- from the pocket of Vikash Kumar.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case only. He further submits that there is case and counter case between the parties and there is a land dispute with regard to the passage between the parties and due to which it was free fight between the parties. He further submits that the injury of the informant and other family members opined by the Doctor which are all simple in nature.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Khudwan P.S. Case No. 10 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and with other 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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