

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45743 of 2022

Arising Out of PS. Case No.-303 Year-2020 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Bhairo Giri @ Bhairav Giri S/o Late Jata Giri R/o Village - Mahammadpur
Mathiya, P.S.- Gautambudh Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with

Gautambudhnagar (G.B. Nagar) P.S. Case No. 303 of 2020

registered for the offences punishable under Sections 147, 149,

341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

As per the prosecution, the informant alleged that this

petitioner along with other co-accused persons armed with

Lathi, Danda etc came at the informant's house and assaulted

the informant, informant's husband and his family members and

this petitioner is alleged to have inflicted an iron rod blow at the informant's husband's head.

The main submissions advanced by learned counsel Mr. Satyendra Rai, appearing for the petitioner are that though the petitioner was alleged to have assaulted at the head of the informant's husband but there is no allegation of having assaulted repeatedly by this petitioner who has been languishing in jail since 13.06.2022 and against him there is criminal antecedent of one case in which he is on bail and in fact on 12.11.2020 one Shubhawati Devi, wife of Hareram Giri was talking about the theft made by the injured Yogendra Giri which led to the commission of incident of abuse in between both the parties who are next door neighbours and on hearing noise (*Halla*) the petitioner came there and tried to pacify the matter but he was implicated in this case.

Learned APP Mr. Suresh Prasad Singh, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the injury report of the informant's husband Yogendra Giri filed as Annexure No- 2. Though against the petitioner there is a specific allegation of having assaulted at the vital part of the body of the informant's husband but there is no allegation of

assaulting repeatedly and moreover the hard and blunt object was allegedly used by this petitioner in assaulting the injured Yogendra Giri and the injury which was opined to be grievous in nature has not been described in size in the said injury report and in this regard the said injury remains to some vague. Considering these facts as well as above submissions and also the petitioner's custody period and the stage of his case, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Gautambudhnagar (G.B. Nagar) P.S. Case No. 303 of 2020.

(Shailendra Singh, J.)

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