

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25168 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- NAWANAGAR District- Buxar

1. Birbal Giri Son Of Late Raghunath Giri
2. Vijay Giri Son Of Diwan Giri
3. Jitendra Giri Son Of Late Janardan Giri
All Resident of village - Waina, P.S. - Nawanagar, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Mr. Anand Kumar Ojha, learned counsel

appearing on behalf of the petitioner and Mr. Madan Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Nawanagar P.S.Case No.33 of 2023, registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307 and 504 of the Indian Penal Code.

3. Prosecution story, in brief, is that petitioners and
the informant are related with each other. As per the allegation
made in the FIR, petitioners along with other co-accused
persons (total 12 in number) assaulted the informant side.
Shashikant Giri sustained injury at his thigh and Rajesh Giri



also sustained injury at his head.

4. The learned counsel appearing on behalf of the petitioner submits that as per the allegation made in the FIR, the informant being eye witness has alleged that the assault has been caused by co-accused Vikash Giri, Vishal Giri, Shivam Giri and Chandan Giri. No specific overtact has been alleged against the petitioners. Petitioners are innocent and they at best can be alleged to be member of the mob. Learned counsel further submits that there is case and counter case between the parties. In fact Shasikant Giri has sustained injury at his thigh. On the other hand Rajesh Giri has also sustained injury.

5. Learned counsel further submits that petitioners' side had also made allegation against Shashikant Giri that he had assaulted with Axe with intention to commit murder on the head of Rajesh Giri. Petitioners have no criminal antecedent.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

7. Having considered the rival submissions made by the parties as well as the allegation made in the FIR and there is case and counter case between the parties, the petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the court below within a period of four



weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Buxar in connection with Nawanagar P.S.Case No33 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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