

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28123 of 2023**

Arising Out of PS. Case No.-145 Year-2022 Thana- VIDYAPATINAGAR District-
Samastipur

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GHANSHYAM GIRI @ DHANSHYAM GIRI Son of Late Gopal Giri R/o
village-Gadhsisai Tola, Bhajangama, P.S.-Vidyapati Nagar, District-
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pramhansh Kumar Puri, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Vidyapati Nagar P.S. Case No. 145 of 2022 registered for the offences punishable under Sections 447, 341, 323, 324, 354, 379, 504/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant was sitting at his Darwaja all the accused persons named in the FIR armed with lathi, danda and iron rod came there and abused him and when he protested, the petitioner along with other accused persons assaulted him by means of iron rod and knife as a result of which the injury caused to the informant on right side of his



eye. The informant further alleged that when his wife and son came to save him, all the accused persons assaulted them and tried to outrage the modesty of his wife.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is the nephew of the informant and there is a land dispute between the parties.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the informant and petitioner are full brother, there is a land dispute between the parties in connection with the same the alleged occurrence is said to have taken place, there is delay of nine days in lodging of the F.I.R. and the injury is simple in nature, hence, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Sri D.P.N. Singh, learned Judicial Magistrate - 1st Class, Dalsingsarai, district - Samstipur, in connection with Vidyapati Nagar P.S. Case No. 145 of 2022, subject to the



conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajeev Ranjan Prasad, J)

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