

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33887 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

RAVINDRA GIRI Son of Shri Bhagwan Giri R/o Village - Nathanpura, P.S.-
Gautambuddh Nagar Tarwara, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33921 of 2022

Arising Out of PS. Case No.-139 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

1. DHEERAJ GIRI @ DHEERAJ GIR SON OF SHRI BHAGWAN GIRI
Resident of Village - Nathanpura, P.s.- Gautambuddh Nagar Tarwara, Distt.-
Siwan.
2. Neeraj Giri Son of Prabhu Giri Resident of Village - Nathanpura, P.s.-
Gautambuddh Nagar Tarwara, Distt.- Siwan.
3. Shri Bhagwan Giri Son of Satyadeo Giri Resident of Village - Nathanpura,
P.s.- Gautambuddh Nagar Tarwara, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33887 of 2022)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Amresh Kumar Sinha, Advocate
Mr. Kumar Randeep, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

For the Informant : Mr. Ajay Kumar Tiwari, Advocate

(In CRIMINAL MISCELLANEOUS No. 33921 of 2022)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Amresh Kumar Sinha, Advocate
Mr. Kumar Randeep, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

For the Informant : Mr. Ajay Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 01-02-2023 Heard Mr. N.K. Agrawal, learned counsel for the

petitioners, Mr. Jitendra Kumar Singh, APP who represents the



State as also Mr. Ajay Kumar Tiwary who appears for informant.

The petitioners are accuseds in connection with G.B. Nagar (Gautam Buddha Nagar) P.S. Case No. 139 of 2021 for the offence registered under Sections 147, 148, 341, 323, 324, 307, 354, 379, 504 and 506 of the Indian Penal Code.

The prosecution story, in brief, is that on 05.06.2021 at the time of marriage of the daughter of the informant, the accused persons namely, Dheeraj Giri, Neeraj Giri, Shri Bhagwan Giri, Prabhu Giri and Rajendra Giri came at the door of the informant and started abusing him. He requested them not to abuse as it is time of marriage of his daughter and if there is any dispute, it will be resolved after '*Bidai*'. In the meanwhile, Prabhu Giri ordered to kill him. On this, all the accused persons who were armed with '*Sword*', '*Rod*', '*Farsa*' and loaded country made pistol attacked him causing injuries. When the relatives came to his rescue, it is alleged that they fired in air and also started throwing bricks and stones.

In this case, on 09.09.2022, while dismissing the bail application of Dheeraj Giri @ Dheeraj Gir (Cr. Misc. No. 33921 of 2022) by a coordinate Bench, case diary was called for so far as other petitioners are concerned. The same has since been



received.

It is submitted that the injury reports are part of the case diary and the injuries have been found to be simple in nature. Learned Senior Counsel further submits that irrespective of the outcome of the present petition, the petitioners intend to deposit a sum of Rs. 10,000/- each as medical assistance to the injureds which will be issued in favour of the informant through demand draft issued by the local State Bank of India Branch and submitted in the 'NAZARAT' of the concerned court to be handed over to the informant after checking their credentials.

Learned counsel for the informant opposes the prayer for bail but accepts that the injuries have been found to be simple in nature.

Considering the fact that the petitioners, namely, Ravindra Giri (Cr. Misc. No. 33887 of 2022) as well as Neeraj Giri & Shri Bhagwan Giri (Cr. Misc. No. 33921 of 2022) have remained in custody for more than six months and the injuries have been found to be simple in nature, this Court is inclined to grant them privilege of bail subject to payment of Rs. 10,000/- each to the informant as stated above.

Let the petitioners, namely, Ravindra Giri (Cr. Misc. No. 33887 of 2022) as well as Neeraj Giri & Shri Bhagwan Giri



(Cr. Misc. No. 33921 of 2022) be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with G.B. Nagar (Gautam Buddh Nagar) P.S. Case No. 139 of 2021, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month till the conclusion of the trial to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Neha-

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