

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36929 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- HATHUA District- Gopalganj

1. NANDJEE GIRI Son of Late Ramayan Giri Resident of village - Pipra, P.S. - Hathua, Distt. - Gopalganj
2. Tarkeshwar Giri Son of Late Ramayan Giri Resident of village - Pipra, P.S. - Hathua, Distt. - Gopalganj
3. Ishwar Giri Son of Tarkeshwar Giri Resident of village - Pipra, P.S. - Hathua, Distt. - Gopalganj
4. Chhote Giri Son of Nandjee Giri Resident of village - Pipra, P.S. - Hathua, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submits that during pendency of the present application, petitioner no.4 namely, Chhote Giri has been arrested, therefore, he is not pressing the present anticipatory bail for petitioner no.4 as present anticipatory bail is become infructuous for petitioner no.4.

3. Counsel for the petitioners submits that he is pressing the present anticipatory bail application only for

petitioner nos. 1 to 3.

4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 323, 324, 354, 307 & 504 of the Indian Penal Code.

5. As per the prosecution, the allegation against twelve known accused persons is that they have attacked on the informant when he went in his garden to cut bamboo. Allegation against the accused persons is that they have assaulted by iron rod and *dab*.

6. Learned counsel for the petitioners submits that the petitioners and informant both belong to same village and they are *gotiya*. He further submits that for the same date and place of occurrence, there are case and counter case by both the sides bearing Hathua P.S. Case No.06 of 2023 (the case in which petitioners seeking bail) and Hathua P.S. Case No.07 of 2023 which has been filed by the petitioners' side against informant's side which is annexed as Annexure-2. He also submits that the dispute between the parties are due to land and in the open fire injury took place from both the sides. Learned counsel for the petitioners submits that there is one criminal antecedent against the petitioner no.1 in which he is facing trial and on bail. He further submits that the injury report has been attached which

indicates that all the injuries are simple in nature.

7. Learned A.P.P. for the State opposes the prayer for bail.

8. In the present facts and circumstances, let the above named petitioner nos.1, 2 & 3 be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond to the satisfaction of learned A.C.J.M.-XIV, Gopalganj in connection with Hathua P.S. Case No. 06 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Dr. Anshuman, J.)

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