

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50741 of 2022

Arising Out of PS. Case No.-426 Year-2021 Thana- BIBHUTIPUR District- Samastipur

1. RAJPATI GIRI S/o Baleshwar Giri Resident of Village- Mathi Tola Aalampur, P.S.- Bibhitipur, District- Samastipur.
2. BIPIN GIRI S/o Baleshwar Giri Resident of Village- Mathi Tola Aalampur, P.S.- Bibhitipur, District- Samastipur.
3. PAPPU GIRI @ PAPPU KUMAR GIRI S/o Narayan Giri Resident of Village- Mathi Tol Aalampur, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 09-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 341, 323, 324, 504, 506, 307, 354, 379, 147 of the Indian Penal Code.

As per prosecution case, the petitioner no. 1 assaulted on the head of the informant's husband with a *khanti*, the petitioner no. 2 assaulted on the head of the informant's brother-



in-law with iron rod, the petitioner no. 3 assaulted on the head of the informant's mother-in-law with sharp-edged weapon and the co-accused disrobed the informant, assaulted her with iron rod and snatched her ornament worth Rs. 50,000/-.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel further submitted that there is a delay of 5 days in filing of the FIR against the accused persons. It is further submitted that the informant sustained lacerated tear over the left forehead. Sushila Devi also sustained lacerated wound on the right temporal region of scalp whereas the allegation against the petitioner no. 3 is of inflicting a blow with a sharp-edged weapon. Arun Giri also sustained lacerated wound. As per the impugned order, the injury report does not reflect the nature of the injuries. Learned counsel has further submitted that the dimensions of the injuries do not suggest whether the injuries are grievous or simple in nature. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and has submitted that the injured persons sustained injury on the vital parts.

Considering the aforesaid facts and circumstances, let



the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Samastipur in connection with Bibhitipur P.S. Case No. 426 of 2021, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This application stands allowed.

(Chandra Prakash Singh, J)

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