

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50739 of 2023

Arising Out of PS. Case No.-160 Year-2023 Thana- UJIYARPUR District- Samastipur

1. Bishundev Giri @ Bishandev Giri, male, aged about 45 years, son of late Ram Sakal Giri,
2. Bhushan Giri, male, aged about 23 years, son of late Mahendra Giri,
3. Ajay Kumar Giri @ Ajay Giri, male, aged about 19 years, son of Bishundev Giri @ Bishandev Giri,
All resident of village- Pachpaika, Police Station- Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Ujiyarpur PS Case No.160 of 2023 dated 06.05.2023, instituted under Sections 147, 148, 149, 341, 323, 325, 379, 504, 354, 307 of the Indian Penal Code.

3. The allegation against the petitioner, Bhushan Giri, is that he assaulted the brother of the informant, Amit Kumar Giri, with iron rod causing injury on his forehead and when the informant and his family members came to save him then the accused Bishundev Giri assaulted the informant with *Khanti*



causing fracture of his leg. It is further alleged that petitioner Ajay Kumar Giri pulled the Sari of the informant's wife with intent to outrage her modesty.

4. Learned counsel for the petitioners submits that the petitioners and the informant are next door neighbours and there was some dispute between both the families. There is case and counter case between the parties. Learned counsel further submits that the date of occurrence is 23.03.2023 and the complaint case was filed on 10.04.2023, i.e., after about 17 days of the occurrence, which was sent to the PS under Section 156(3) of the Code of Criminal Procedure and thereafter FIR was lodged against the petitioners and others. It is further submitted that for the same incident one of the co-accused has lodged a criminal case being Ujiyarpur PS Case No. 180 of 2023 against the informant's side. It is also submitted that no serious injury has been sustained by the injured because of the fact that till date no injury report of any of the injured has been brought on record. Lastly, it is submitted that the petitioners have clean antecedent.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Dalsinghsarai, Samastipur, in Ujiyarpur PS Case No. 160 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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