

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9544 of 2024

Arising Out of PS. Case No.-535 Year-2023 Thana- ROSERA District- Samastipur

1. Gunesh Giri S/O- Ramshreya Giri @ Ramshriya Giri R/O- Rosera, Mohalla Mahadev Math, Ward No.- 12, P.S.- Rosera, Dist.- Samastipur.
2. Rahul Kumar @ Rahul Giri S/O- Gunesh Giri R/O- Rosera, Mohalla Mahadev Math, Ward No.- 12, P.S.- Rosera, Dist.- Samastipur.
3. Rohit Kumar @ Rohit Giri S/O- Gunesh Giri R/O- Rosera, Mohalla Mahadev Math, Ward No.- 12, P.S.- Rosera, Dist.- Samastipur.
4. Birendra Kumar Giri @ Birendra Giri @ Virendra Giri S/O- Kapileshwar Giri @ Kapil Giri R/O- Rosera, Mohalla Mahadev Math, Ward No.- 12, P.S.- Rosera, Dist.- Samastipur.
5. Ritesh Kumar @ Ritesh Giri @ Chhotu S/O- Kapileshwar Giri @ Kapil Giri R/O- Rosera, Mohalla Mahadev Math, Ward No.- 12, P.S.- Rosera, Dist.- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. State

Appearance :

For the Petitioners	:	Mr. Amar Kumar Singh, Advocate
For the State	:	Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. Amar Kumar Singh, the learned counsel
for the petitioners and Mr. Anita Kumari, the learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Rosera PS Case No. 535 of 2023, FIR dated
12.10.2023, registered for the offences punishable under
Sections 341, 323, 324, 354, 307, 379 and 504 read with Section
34 of the Indian Penal Code.



3. According to prosecution case, the accused persons including the petitioners, variously armed came at the house of the informant and assaulted him due to which the head of the informant got cut and blood started oozing out. It is further alleged that when the family members of the informant came to his rescue, they were also assaulted by the accused persons due to which informant's wife also sustained head injury. It is further alleged that Gunesh Giri snatched a golden chain worth Rs. 90,000/- (Rupees ninety thousand) from informant's wife.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and due to admitted land dispute, the present occurrence has taken place and there is case and counter case between the parties. He further submits that upon perusal of the FIR, it appears that there is specific allegation against petitioners namely, Gunesh Giri, Rahul Kumar @ Rahul Giri and Rohit Kumar @ Rohit Giri that they have assaulted the family members of the informant. He further submits that although family members of the informant have received injury, but the injury report of the family members of



the informant suggests that injury is simple in nature. He lastly submits that the co-accused persons namely, Kapileshwar Giri @ Kapil Giri, Baiju Giri @ Baij Nath, Dharmendra Giri and Krishna Kumar Giri have been granted the privilege of anticipatory bail by this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 6772 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that petitioners are named in the FIR and they have assaulted the informant and his family members.

6. Considering the aforesaid facts and circumstances and mainly the fact that petitioners have clean antecedent and similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Rosera, Samastipur, where the case is pending in connection with **Rosera PS Case No. 535 of 2023**,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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