

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6772 of 2024

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

1. Kapileshwar Giri @ Kapil Giri S/O- Late Ramshraya Giri @ Ramshriya Giri
 2. Baiju Giri @ Baij Nath Giri S/O- Late Ramshriya Giri @ Ramshraya Giri
 3. Dharmendra Giri @ Dharvand Giri S/O- Kapileshwar Giri @ Kapil Giri
 4. Krishna Kumar Giri S/O- Kapileshwar Giri @ Kapil Giri
- All are R/O- Rosera Mohalla Mahadev Math Ward No.- 12, P.S.- Rosera,
Dist.- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh, Advocate
For the Opposite Party/s : Mr.Pranav Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr.Amar Kumar Singh, learned counsel for
petitioners, learned counsel for the informant and Mr.Pranav
Kumar, learned Additional Public Prosecutor for the State.

2. Petitioners are apprehending their arrest in
connection with Rosera P.S.Case No. 535 of 2023, FIR dated
12.10.2023, registered for the offences punishable under
Sections 341,323,324,354,307,379,504,34 of IPC.

3. According to FIR, allegation against the
petitioners is that they alongwith other co-accused persons
came at door of the informant and they started abusing and
when the informant protested, thereafter, all accused persons



started to assault the informant. It is further alleged that co-accused Ganesh Giri, Rohit Giri and Rahul Giri with an intention to kill the informant assaulted with Matrock, Lathi, rod, Pagharia on his head, causing injury and blood was oozing out in course of it, when the wife of informant along with son Akhilesh Giri, Nunu Babu came for rescue then all accused persons brutally assaulted them and later on all accused persons torn apparels of the wife of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case due to admitted land dispute between the parties. Further submits that petitioner Nos.1 and 2 are the own brother of the informant and petitioner Nos.3 and 4 are son of petitioner No.1. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons and there is case and counter case between the parties.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of petitioners and submits that the



petitioners have assaulted to the family members of the informant and the informant.

6. Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Rosera, Samastipur in connection with Rosera P.S.Case No. 535 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

(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 court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below 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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