

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56794 of 2024

Arising Out of PS. Case No.-123 Year-2024 Thana- KALYANPUR District- East Champaran

Gagandev Giri son of Late Jagarnath Giri, R/o Vill.- Bahlolpur PS.
-Kalyanpur Dist. -East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Priyesh Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor for the
State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kalyanpur P.S. Case No. 123 of 2024
registered for the offences punishable under Sections 147, 149,
341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

3. While the informant along with his family members
were cutting wheat crops, in the meantime, all the FIR named
accused persons including the petitioner armed with various
weapons came there and started forcibly loading wheat on the
tractor. When the informant and other protested, all the accused
persons started abusing and assaulting them. There is specific
allegation against Hari Shankar Giri, Mukesh Giri, Vikash Giri
and Dharmendra Giri that they assaulted the informant by



means of knife over his head and hands.

4. It is contended on behalf of the petitioner that both the parties are agnates and there is land dispute between the parties. Even as per the narratives made in the FIR, there is no specific allegation or any injury has been attributed to the petitioner. Referring to the injury report which has been marked as Annexure P/2 to the bail application, it is contended that the injury report does not support the prosecution case, inasmuch as the injuries are found to be simple in nature. It is lastly contended that the petitioner is in custody since 14.05.2024 having clean antecedent.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner had actively participated in the present crime.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation, coupled with the fact that the FIR has been instituted in the premise of land dispute and the injuries are found to be simple in nature as also the investigation is complete and the charge-sheet has been submitted, apart from the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV,



East Champaran at Motihari in connection with Kalyanpur P.S.
Case No. 123 of 2024, subject to the condition that one of the
bailors will be the close relatives of the petitioner with further
conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of
the trial.

(ii) He will remain present on each and every date
of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will liable to be
cancelled.

(v) The court below shall verify the criminal
antecedent of the petitioner and, in case, at any stage, it is found
that the petitioner has concealed his criminal antecedent, the
court below shall take immediate step for cancelling the bail
bond of the petitioner. However, the acceptance of bail bonds, in
terms of the above-mentioned order, shall not be delayed for this
purpose or in the name of verification.

(Harish Kumar, J)

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