

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67457 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Raja Kumar Giri @ Raju Giri Son of Ganesh Giri Resident of Village- Alampur, PS- Bibhutipur, Distt- Samastipur
2. Pramod Giri Son of Late Vakil Giri Resident of Village- Alampur, PS- Bibhutipur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Madhav Kumar, Advocate Mr. Pritam Priyadarshi, Advocate
For the Opposite Party/s	:	Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bibhutipur P.S. Case No. 169 of 2023, registered on 13.05.2023 for the offences under Sections 341, 323, 307, 354A, 447, 448, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant with butt of pistol and also snatched gold chain in the first occurrence. Thereafter, in the second occurrence co-accused Raju fired upon the husband of the informant and in the third occurrence, the petitioners and other co-accused persons surrounded the



informant and her husband and husband of the informant was assaulted with butt of pistol and danda on head and other parts of the body.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case and falsity of the occurrence is apparent from delay in lodging the FIR after 12 days from the first occurrence. There is no explanation for the same. Though there is specific allegation against petitioner no. 1 that he assaulted the informant on her head with butt of pistol but, no such injury has been brought on record. Similarly, the allegation against other co-accused persons for assaulting the husband of the informant with butt of pistol but there is no injury report for the same. Learned counsel further submits that the petitioners and the informant are co-villagers and neighbour and due to personal grudge false case has been lodged. Now the matter has been settled between the parties and a supplementary affidavit to this effect has been filed which is on record. The petitioners are having no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances



and submissions made on behalf of the parties and considering the delay in lodging the FIR and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Rosera/concerned court in connection with Bibhutipur P.S. Case No. 169 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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