

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3361 of 2025**

Arising Out of PS. Case No.-353 Year-2023 Thana- BIBHUTIPUR District- Samastipur

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Suman Kumar Giri @ Suman Giri, Son of Brahmadev Giri @ Brahamdev
Giri @ Dharamdev Giri @ Dharmdev Giri, R/o Village- Kalyanpur, PS-
Bibhutipur, Distt -Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 15-02-2025 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Bibhutipur P.S. Case No. 353 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 353, 379, 504, 506, 511 and 427 of the Indian Penal Code.

3. The allegation against the petitioner is of causing obstruction in discharging public duty by the police with the help of other co-accused persons.

4. Learned Advocate for the petitioner contended that the alleged occurrence took place on 03.09.2023 and the informant is non-else, but the police officials, but the present



F.I.R. has been instituted after a delay of two days, i.e. on 05.09.2023, against 22 named accused persons and 40-50 unknown persons, based upon the disclosure of the Chowkidar. It is further contended that the false implication of the petitioner is also evident from the fact that even the name of the father of the petitioner has wrongly been mentioned in the F.I.R. All the more, in a case like present, the petitioner has not been served with the notice under Section 41A of the Cr.P.C. or under Section 35 of the BNSS. The F.I.R. also discloses omnibus nature of allegation against all the persons; the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner not only obstructed in discharge of the police officials, they also assaulted some of the police officials, due to which they sustained injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the delay in lodging of the F.I.R., coupled with the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court



below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 353 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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