

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27778 of 2025

Arising Out of PS. Case No.-227 Year-2024 Thana- NATWAR District- Rohtas

1. RAJ KUMAR GIRI S/O LATE BADURI GIRI Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
2. Devnarayan Giri S/o Late Ram Prasad Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
3. Kulwansh Giri S/o Late Ramjee Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
4. Awadh Giri @ Awadh Kumar Giri S/o Raj Kumar Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
5. Mantu Giri S/o Devnarayan Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
6. Wakil Giri S/o Late Ramdeo Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
7. Golu Giri S/o Kulwansh Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
8. Suresh Giri S/o Late Parshuram Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
9. Pawan Giri @ Pawan Kumar Giri S/o Santosh Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
10. Sahodra Devi W/o Devnarayan Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas
11. Rita Giri @ Rita Devi W/o Surendra Giri Resident of Village- Kishunpura Mathiya, Police Station- Natwar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghunandan Kumar Singh, Advocate
For the State	:	Mr. Binod Kumar, A.P.P.
For the Informant	:	Mr. Aditya Nath Pandey, Advocate
		Ms. Aprajita Kumari, Advocate
		Ms. Neha Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-07-2025 Heard Mr. Raghunandan Kumar Singh, learned
counsel for the petitioners, Mr. Aditya Nath Pandey, learned
counsel for the informant and Mr. Binod Kumar, learned



Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that during pendency of this anticipatory bail application the petitioner No. 1, namely, Raj Kumar Giri and petitioner no. 9, namely, Pawan Giri @ Pawan Kumar Giri have been arrested, and as such, the present bail application has become infructuous. Accordingly, the learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No. 1, namely, Raj Kumar Giri and petitioner no. 9, namely, Pawan Giri @ Pawan Kumar Giri.

3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn respect to petitioner No. 1, namely, Raj Kumar Giri and petitioner no. 9, namely, Pawan Giri @ Pawan Kumar Giri.

5. The petitioners are apprehending their arrest in connection with Natwar P.S. Case No. 227 of 2024, F.I.R. dated 16.11.2024 for the offences punishable under Sections 189(2), 191(1), 191(2), 127(2), 115(2), 118(2), 109, 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

6. According to prosecution case, the informant alleged that on 15.11.2024 around 10:15 A.M., due to land dispute, accused persons including the petitioners armed with



axe and stick attacked his uncle while he was cutting paddy. Vinay Giri struck his leg and Surendra Giri hit his head with a stick, causing a head fracture. When Sumit Giri tried to intervene, he was also beaten and injured.

7. Learned counsel for the petitioners submits that the petitioner nos. 5, 6, 7, 8, have clean antecedents and petitioner nos. 2, 3, 4, 10 and 11 have one case other than the present one but they are on bail in the pending matters. The allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. The present case is counterblast of Natwar P.S. Case No. 225 of 2024 filed on behalf of the petitioners against the informant and his family members. It appears from the F.I.R. that due to admitted land dispute, the present occurrence had taken place and there is case and counter case and there is one Title Suit No. 317 of 2024 is pending between the parties and both the parties are agnates to each other. Although the petitioners are named in the F.I.R., but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the co-accused persons including the petitioners. Earlier the petitioner had also filed a Natwar P.S.



Case No. 216 of 2024 against the informant and his family members.

8. The learned Additional Public Prosecutor for the State as well as learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioners and submits that injury report of the informant, Rajesh Giri suggests that the injury is grievous in nature, apart from that petitioner nos. 2, 3, 4, 10 and 11 have one case other than the present one but fairly submits that they are on bail in the pending matters.

9. Considering the aforesaid facts that there is a case and counter case, one Title Suit is going on between the parties and there is no specific allegation of assault or overt act against these petitioners, let the petitioner nos. 2 to 8, 10 and 11, 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 the learned Additional Chief Judicial Magistrate-I, Bikramganj, Rohtas in connection with Natwar P.S. Case No. 227 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /Section 482(2) of the Bhartiya Nagarik Suraksha



Sanhita and with other following conditions:-

i. Petitioner nos. 2 to 8, 10 and 11 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 bond shall be cancelled by the Court below.

ii. If the petitioner nos. 2 to 8, 10 and 11 tampers 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 petitioner nos. 2 to 8, 10 and 11 and in case at any stage it is found that the petitioner nos. 2 to 8, 10 and 11 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 2 to 8, 10 and 11. 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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