

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31585 of 2025

Arising Out of PS. Case No.-283 Year-2024 Thana- GOPALPUR District- Gopalganj

1. Devendra Giri @ Devendra Kumar Giri S/O Sriram Giri R/O Vill.- Bodha Chhapar, P.S.- Gopalpur, District- Gopalganj
2. Raja Kumar @ Raja Giri S/O Sriram Giri R/O Vill.- Bodha Chhapar, P.S.- Gopalpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 21-05-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Gopalpur P.S. Case No. 283 of 2024, registered for the offences punishable under Sections 103(1), 3(5) of the BNS, 2023.

3. While the women of the village were engaged in singing a song, in the meanwhile, co-accused Satendra Giri came there and started abusing. When the husband of the informant intervened in the matter, in the meanwhile, all the FIR named accused persons, including the petitioners, armed with *lathi, danda* came there and brutally assaulted. The husband of the informant was taken to Hospital where he died after few days.



4. Learned Advocate for the petitioners taking this Court through the FIR contended that apart from omnibus allegation of assault to the husband of the informant by fists and slaps as well as *lathi*, there is no specific allegation. Admittedly the occurrence took place on 14.11.2024 and the present FIR came to be lodged on 18.11.2024, only after the death of the informant's husband. It is further contended that in fact the husband of the informant was suffering from other ailment and he died due to septicemic shock on account of previous injury and its complication and due to prolong treatment. Copy of the post mortem report is produced before this Court and the same is taken on record. Further contention has been made that even as per the narrations, it is evident that the occurrence took place on account of a trifle and there was no intention to cause any injury to anyone and this is the fact that the deceased died due to chronic ailment. So far the petitioners are concerned, both are men of fair antecedent and petitioner no. 1 is engaged in multinational company whereas petitioner no. 2 is a student just about 20 years. There is no independent witness to the alleged occurrence.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that there



is specific allegation against the petitioners of causing assault leading to death of the husband of the informant during course of treatment.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, coupled with the *post mortem* report as also the fair antecedent of the petitioners, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gopalganj/ any appropriate court where case is pending, in connection with Gopalpur P.S. Case No. 283 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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