

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77090 of 2025

Arising Out of PS. Case No.-494 Year-2025 Thana- MAKHDUMPUR District- Jehanabad

1. Abhinandan Giri @ Antim Giri S/o Surjdeo Giri@Surya Deo Giri Resident of village - Math Gangapur, Ramgosiya Math, P.S - Makhdumpur, District - Jehanabad
2. Abinassh Giri @ Banti Giri S/o Surjdeo Giri Resident of village - Math Gangapur, Ramgosiya Math, P.S - Makhdumpur, District - Jehanabad
3. Surjdeo Giri S/o Late Ram Prasad Giri Resident of village - Math Gangapur, Ramgosiya Math, P.S - Makhdumpur, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-12-2025 Heard Mr. Anil Kumar, learned counsel for the petitioner and Mr. Anand Kishore Choudhary, learned APP for the State.

2. At the outset, the petitioner's counsel is permitted to make the necessary addition in paragraph no. 3 of this petition with regard to the details of the criminal antecedent of petitioner no. 2 in the course of the day.

3. The petitioners apprehend their arrest in connection with Makhdumpur P.S. Case No. 494 of 2025 dated 02.07.2025 registered for the offences punishable under Sections 126(2), 115(2), 109, 352, 351(2) and 351(3) of the Bharatiya Nyaya



Sanhita.

4. As per the prosecution story, on 02.07.2025 at about 08:00 PM, while the informant namely, Sunil Giri, was milking the cow of his landlord, Rajendra Chauhan, four accused persons including the petitioners, namely Abhinandan Giri @ Antim Giri, Abhinash Giri @ Banti Giri, and Surjdeo Giri, armed with *lathis* and iron rods, came together and started abusing him. When he objected, the accused persons assaulted him with an intention to kill him and struck him on the head, causing injury.

5. The main submissions advanced by the petitioners' counsel are that in the FIR, there is no specific allegation against the petitioners, the informant's injuries have been opined to be lacerated wounds, which were not possible by the use of a *lathi* or iron rod. It is further submitted that except present case, against petitioner no. 1 and petitioner no. 3, there was a criminal case, in which they have been acquitted, and against petitioner no. 2, there were two earlier cases in which he has been acquitted, and accordingly, there is no criminal antecedent against the said petitioners. The allegation levelled against the petitioners in the FIR is general and omnibus.

6. Learned APP appearing for the State has



vehemently opposed the prayer for bail of the petitioners and submits that on account of the assault allegedly committed by the petitioners, the informant sustained three injuries on his person, one of which, found on a vital part of his body, has been opined to be grievous in nature.

7. Heard both sides and perused the FIR. The FIR goes to show that the alleged occurrence was committed in a planned manner when the informant was milking a cow. Though there is no specific allegation against the petitioners but on account of the assault allegedly committed by them, the informant sustained three injuries, one of them, found on the left parietal region of the skull, has been opined to be grievous in nature. As the case is under investigation, in my opinion, it is not a fit case for granting anticipatory bail to the petitioners. Accordingly, their prayer stands rejected.

(Shailendra Singh, J)

maynaz/-

U		T	
---	--	---	--

