

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88116 of 2024

Arising Out of PS. Case No.-183 Year-2024 Thana- TAJPUR District- Samastipur

1. Kailash Giri Son of Late Ramchandra Giri Village- Songar PS- Tajpur District- Samastipur
2. Sharmila Devi W/O Kailash Giri Village- Songar PS- Tajpur District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-05-2025 Heard Mr. Jitendra Kumar Giri, learned counsel for the petitioners and Mr. Aditya Narayan Singh.1, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Tajpur P.S. Case No. 183 of 2024, F.I.R. dated 29.07.2024 for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 352, 351(2), 3(5) of the Bharatiya Nyay Sanhita.

3. According to prosecution case, due to prior land dispute, the petitioners arrived at the house of the informant and assaulted him and his family members by means of iron rod and *lathi*.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case due to admitted land dispute. Although there is specific allegation against the petitioners that they assaulted the informant and his family member but the injury report of the injured persons suggest that injury is simple in nature except the injury of one Shakuntala Devi whose injury is found to be grievous in nature on the ground that she sustained fracture in her hand, which is not vital part of the body.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of 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, 1st Class, Samstipur in connection with Tajpur P.S. Case No. 183 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. Petitioners 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 petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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