

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.81372 of 2025

Arising Out of PS. Case No.-352 Year-2025 Thana- DARIYAPUR District- Saran

Sanjay Giri Son of Late Ramvyas Giri R/o Village- Math Chilawa, P.S.-
Dariyapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81992 of 2025

Arising Out of PS. Case No.-352 Year-2025 Thana- DARIYAPUR District- Saran

Mukesh Giri S/o Sanjay Giri Resident of Village - Math Chilawan, Police
Station - Dariyapur, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81372 of 2025)

For the Petitioner/s : Mr.Shakti Suman Kumar, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No. 1, A.P.P.

For the Informant : Mr. Nawal Kishor Singh, Adv.

Mr. Kamlesh Kumar, Adv.

(In CRIMINAL MISCELLANEOUS No. 81992 of 2025)

For the Petitioner/s : Mr.Shakti Suman Kumar, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 03-12-2025 Since both the bail petitions arise out of Dariyapur

P.S. Case No. 352 of 2025, as such, they have been taken up

together and are being disposed of by this common order.

2. Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

3. In the present case, the petitioners seek bail in
connection with Dariyapur P.S. Case No. 352 of 2025,
registered for the offences under Sections 126(2), 115(2),
118(1), 117(2), 109, 352, 3(5) of the BNS.

4. As per the prosecution case, petitioners and other



co-accused persons armed with sword, *garasi*, iron rod etc. came to the doors of the informant and petitioner Mukesh Giri gave a sword blow on the head of the informant causing a cut injury. Thereafter informant was assaulted by all accused persons and his right hand got fractured. When the father of the informant came to save him, petitioner Sanjay Giri gave him a *garasi* blow which hit him on his left leg and the toe got severed. Another co-accused gave a knife blow to the brother of the informant.

5. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel for the petitioners submits that the present case is counter blast of Dariyapur P.S. Case No. 321 of 2025 which has been lodged by the daughter of co-accused Singhasan Giri prior to the lodging of the present case and from perusal of the FIR it is apparent that informant side is aggressor. In order to create a defense, the present case has been lodged by the informant side after a delay of six days when the *fardbayan* was recorded 15.06.2025 for an occurrence of 31.05.2025. Learned counsel further submits that the parties are agnates and there is an ongoing land dispute between them and Title Suit no. 104 of 2021 is pending in the



Court of learned Sub Judge II, Sonapur at Saran. Learned counsel further submits that no evidence of any sharp cut injury has been found on the informant and the injury report of the father of the informant shows a crushed injury on the great toe and second toe. The injury of the informant is stated to be caused by a hard and blunt substance. The injury report falsifies the allegation of causing sharp injuries to the informant and his father for which allegation is against the petitioners. Further allegations are general and omnibus with other co-accused persons. The petitioner Sanjay Giri is in custody since 13.07.2025 and petitioner Mukesh Giri is in custody since 25.07.2025. Charge sheet has been submitted. Petitioner Sanjay Giri is having antecedent of two cases and he is on bail in both the cases. Petitioner Mukesh Giri is having antecedent of three cases and he is on bail in all the cases and these three cases have been instituted by the informant side.

6. Learned A.P.P. appearing for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioners. Learned counsel for the informant submits that the father of the informant received a *garasi* blow by the petitioner Sanjay Giri on his left toe and the toe got severed. The injury report regarding nature



of the injuries has been reserved. Learned counsel further submits that the informant received a fracture in second metacarpal and his injury is staged to be grievous.

7. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the earlier lodged FIR of the petitioner side and further considering the nature of injuries with period of custody of the petitioners and submission of charge sheet, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned JMFC, Chhapra at Saran/concerned court, in connection with Dariyapur P.S. Case No. 352 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the



petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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