

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9180 of 2024

Arising Out of PS. Case No.-1079 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Pappu Giri @ Pappu Kumar Giri, Son of Udaynarayan Giri @ Uday Giri, R/o
village-Raghunathpur, P.S.-Raghunathpur (O.P.), Distt.-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-01-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Turkauliya Raghunathpur (O.P.) P.S. Case No.1079 of 2023 registered under Sections 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per FIR, the petitioner along with other co-accused persons assaulted the husband of the informant, where during the occurrence, fatal firing was made by co-accused Chandan Ram. The injured husband of the informant died during the treatment in hospital, where occurrence is alleged to be arising out of land dispute.



4. Learned counsel appearing for petitioner submitted that specific allegation of firing, which caused death of the husband of informant is available against co-accused Chandan Ram and just as to harass entire family, the petitioner along with nine other co-accused persons implicated with present case with very much general and omnibus allegation. It is submitted that no overt act appears to be attributed against the petitioner as per FIR, where the informant claimed to be an eye witness of the occurrence and considering the aforesaid factual aspect, the co-accused Prince Kumar was granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.46872 of 2024 dated 07.08.2024 and, therefore, as a matter of judicial parity, this petitioner also deserves anticipatory bail.

5. Explaining criminal antecedent, it is submitted that petitioner implicated with six more criminal cases, where brother and brother-in-law of informant are one of the parties and in all six cases, petitioner is on bail. It is submitted that if merit of the case otherwise appears convincing, merely on the



ground of criminal antecedent, the bail of petitioner should not be ordinarily declined and in support of this submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**.

6. Learned APP opposed the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact as allegation *qua* physical assault appears very much general and omnibus against petitioner, where specific allegation to cause fatal gun shot injury is available against co-accused Chandan Ram, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya Raghunathpur (O.P.) P.S. Case No.1079 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short



‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik
Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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