

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8867 of 2026

Arising Out of PS. Case No.-742 Year-2025 Thana- MAHUA District- Vaishali

1. Nitesh Giri, Son of Santosh Giri, All Are Resident of Village - Mirjanagar, P.S. - Mahua, Distt. - Vaishali
2. Vikash Giri Son of Umesh Giri @ Umeshanand Giri All Are Resident of Village - Mirjanagar, P.S. - Mahua, Distt. - Vaishali
3. Chandan Giri Son of Vimal Giri All Are Resident of Village - Mirjanagar, P.S. - Mahua, Distt. - Vaishali
4. Pankaj Giri Son of Late Surendra Giri All Are Resident of Village - Mirjanagar, P.S. - Mahua, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 21-05-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual mode.

2. Petitioners apprehend their arrest in connection with Mahua P.S. Case No.742 of 2025 registered for the offences under Sections 126(2), 115(2), 109, 76, 303(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act, 1959.

3. As per the prosecution case, the informant has alleged that while he was sitting at his door, 10 to 12 persons on motorcycle and 15 to 16 unknown persons started to abuse him



and when he objected, it is alleged that Nitesh Giri (Petitioner No.1) directed others to kill him upon which one Vikash Kumar (Petitioner No.2) shot with a Katta in his hand, however, the informant managed to escape. It has further been alleged that petitioner no.3, namely, Chandan Giri tried to outrage the modesty of one Sunita Devi and the petitioner no.4 forcibly snatched a gold chain worth Rs.75,000/- from the informant's neck.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated on account of personal differences and in fact the petitioners and the informants are in inimical terms. It has further been submitted that for the same incidence a counter-case was lodged on behalf of the father of the petitioner no.2, being Mahua P.S. Case No.747 of 2025. It has next been submitted that in fact the informant who was the aggressor and stated a false and concocted case under section 109 of Bharatiya Nyaya Sanhita, 2023 has been lodged, as it would be evident that there has not been any injury caused to any of the persons despite such allegations. It has lastly been submitted that petitioner nos.1 and 3 have one criminal case and petitioner nos.2 and 4 have two criminal antecedents.

5. Learned APP for the State has vehemently opposed



the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Mahua P.S. Case No.742 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.



(v) The learned 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.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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