

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38049 of 2026

Arising Out of PS. Case No.-509 Year-2025 Thana- PATAHI District- East Champaran

Amit Kumar Giri @ Amit Giri S/o Suresh Giri Resident of Village and P.O.-
Narayanpur, Ward No. -10, P.S.- Patahi, District- East Champaran at Motihari.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Patahi P.S. Case No. 509 of 2025 lodged on 08.12.2025, for the offence punishable under Sections 191(2), 191(3), 190, 115(2), 118(1), 109(1), 74, 352, 351(2), 303(2) & 324(4) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against 13 named accused persons including the present petitioner and four unknown persons. The allegation against the petitioner is that he has assaulted the informant by *farsa* with a view to kill, due to which, injury has been caused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the informant and the petitioner, both are resident



of the same village and during *baraat* procession, the scuffling took place between the villagers due to which, the said occurrence took place in which, the informant has made 13 persons as accused in this case. He submits that the injury of the informant is annexed as Annexure-P/2 and the said injury is simple in nature. He submits that under a deep rooted conspiracy, the present FIR has been lodged. Counsel further submits that from perusal of the FIR, it is clear that the alleged occurrence took place on 04.12.2025, whereas, the FIR has been lodged on 08.12.2025 and the case has been forwarded before the C.J.M on 12.12.2025 and the delay has not been explained. He submits that the entire family members have been made accused in this case intentionally and there is delay of not only four days, rather, there is delay of about eight days. He further submits that the petitioner has clean antecedent and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that the delay in lodging the FIR has not been explained, but the allegation is there in the FIR.

6. As such, in the present facts and circumstances of



this case considering that the occurrence took place on 04.12.2025 and the case has been forwarded before the C.J.M on 12.12.2025 i.e. delay of about eight days and the injury of the informant is alleged to be simple in nature, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of C.J.M., East Champaran at Motihari, in connection with Patahi P.S. Case No. 509 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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