

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48390 of 2015

Arising Out of PS.Case No. -64 Year- 2015 Thana -RASULPUR District- SARAN

=====

Ram Ayodhya Tiwari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Shyameshwar Dayal(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 14-12-2015

Second supplementary affidavit has been filed on behalf of the petitioner mentioning therein that the petitioner has been made accused earlier in five cases and in all the five cases he have been acquitted and further he has also been made accused in Complaint Case No. 564 of 2010 wherein cognizance has been taken under Section 147, 323, 451 of the Indian Penal Code, but the petitioner was not aware about that case. Keep it on record.

Heard the learned counsel for the petitioner and learned A.P.P. representing the State as also learned counsel for the informant.

The petitioner seeks bail in connection with Rasulpur P.S. Case No. 64 of 2015 for the offences punishable under Sections 147, 148, 149, 323, 341, 324, 307, 427, 504 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused named

in the FIR for measuring the land started assaulting the informant. At the instigation of the petitioner, co-accused Ashutosh Tiwari gave farsa blow on the head of the informant and Ghanshyam Tiwari @ Pawan Tiwari tried to gave spear blow but Ghanshyam Tiwari and Santosh Tiwari came for rescue who was also assaulted by all with lathi and bamboo and further both became unconscious. The wife of Ghanshyam started assaulting with bricks and the petitioner assaulted the informant with foot and fat and also with bamboo.

Submission is of false implication due to land dispute, the petitioner is aged about 62 years as stated in the fardbeyan itself, there is a case and counter case. No offence under section 307 of the Indian Penal Code is made out and due to land dispute the occurrence has taken place not in the manner as alleged by the informant, the petitioner is a retired Head Master of Primary School. Other co-accused namely Ghanshyam Tiwari @ Pawan Tiwari and Ashutosh Tiwari have already been allowed bail by the learned Court below itself vide B.P. No. 1578 of 2015 by order dated 10.10.2015. All the three injuries caused on the person of the informant have been found simple in nature and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer for bail by submitting that on the person of Ghanshyam Tiwari grievous

injuries have been found and Ghanshyam Tiwari and Santosh Tiwari have been assaulted by other co-accused.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted and there is no chance of tampering with prosecution evidence, the informant has received injuries which have been found simple in nature and for assaulting Ghanshyam Tiwari there is general and omnibus allegation and as such the petitioner Ram Ayodhya Tiwari is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M, Chapra, Saran arising out of Rasulpur P.S. Case No. 64 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reasons shall disentitle the petitioner from privilege of bail.

Rajiv/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--