

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20861 of 2015

Arising Out of PS.Case No. -279 Year- 2014 Thana -PAKRIDAYAL District- EAST
CHAMPARAN (MOTIHARI)

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1. Arun Tiwari @ Arun Kumar Tiwari @ Bittu Tiwari
2. Mantu Tiwari @ Mintu Tiwari Both are sons of Birendra Tiwari,
residence of Chaitya tola Hasanabad , P.S. - Pakaridayal, District- East
Champaran.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar

For the Opposite Party : Mr. M. Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 07-07-2015 Heard both sides.

The two petitioners herein are the brothers and are facing accusations punishable under Sections 447, 341,323,325, 307, 379 and 504 /34 of the IPC.

The allegation is that petitioner no.1, namely, Arun Tiwari at the orders of his father assaulted on the head of the informant which was warded off. Thereafter he again assaulted on the shoulder of the informant causing grievous injury. Petitioner no.2 is said to have snatched one gold chain from the neck of the informant.

Contention of the petitioners is that they are co villagers and on trivial issues there was scuffle which resulted in

filing of the case. It is further submitted that considering the allegations and the injury, at best, the accusation under Section 325 of the IPC is made out against the petitioners.

Learned APP opposed the prayer and submitted that there is specific allegation against the petitioner no.1, namely, Arun Tiwari @ Arun Kumar Tiwari @ Mintu Tiwari of causing grievous injury.

Considering the allegation, I am not inclined to privilege the petitioner no.1, namely, Arun Tiwari @ Arun Kumar Tiwari @ Mintu Tiwari with anticipatory bail. Prayer for bail is rejected. He may surrender and pray for regular bail before the learned Court below. In that event the Court below shall consider and dispose of the same on its own merit.

In so far as the petitioner no.2, namely, Mantu Tiwari @ Mintu Tiwari is concerned, this Court is inclined to extend the privilege of anticipatory bail to him. Let the petitioner No.2, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Pakridayal P.S. case no. 279 of 2014, subject to

the condition as laid down under Section 438 (2) of the Cr.P.C.
with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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