

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37587 of 2014

Arising Out of PS.Case No. -95 Year- 2013 Thana -GUTHNI District- SIWAN

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Santosh Tiwari S/O Vyas Tiwari r/o Village- Chilhamarwa, P.S.- Guthani,
District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate.

For the Opposite Party/s : Mr. M. Haque (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-03-2015

Heard both sides.

The petitioner apprehends his arrest in a case under
Section 307 and other sections of the Indian Penal Code and
Section 27 of the Arms Act.

The informant alleged that the petitioner along with
14 others came and started uprooting huts standing on
Gairmajarua land. The petitioner is alleged to have fired which hit
on the left leg of the informant.

It is submitted that there is a counter-version, being
Guthani P.S. Case No. 96 of 2013, and from the side of the
petitioner, three persons died. Some of the accused persons,
namely, Sanjay Pandey, Ganesh Chaudhary, Satyendra Tiwari and
others have been granted anticipatory bail by this Court.

On perusal of the record, it appears that, of course,

there is a case and counter-case. From the side of the petitioner, Guthani P.S. Case No. 96/2013 was registered and three persons are said to have been killed from the side of the petitioner, but there is a specific allegation against the petitioner Santosh Tiwari that he along with Ramjeet Chaudhary fired which hit on the left leg of the informant. The doctor found one firearm injury although the injury is simple in nature.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Guthani P.S. Case No. 95 of 2013. Accordingly, the same is rejected.

The petitioner is directed to surrender in the court below within four weeks from today and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner taking into consideration that there is a case and counter-case and, on account of the firing, the informant got simple injury only.

(Prabhat Kumar Jha, J)

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