

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44225 of 2015

Arising Out of PS.Case No. -328 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Nagendra Tiwari
2. Ragho Tiwari S/o Janai Paswan
3. Arbind Tiwari @ Daroga Tiwari All S/o Late Lalan Tiwari
4. Kamlesh Tiwari s/o Nagendra Tiwari
5. Uday Raj Tiwari S/o Late Janardan Tiwari
6. Sheshmani Tiwari S/o Ram Chandra Tiwari, All r/o Vishunpurwa, P.S.
Shikarpur, Dist. W. Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. S.D.Singh Yadav(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 16-12-2015 It appears that in pursuance of the order dated 09.12.2015, this Court had directed the Superintendent of Police, West Champaran, Bettiah to remain physically present, in Court so that he could explain why case diary and the post mortem report have not been sent from his end. However, the case diary and the post mortem report have been received now.

He submits that actually, he was present on 8th of December, 2015 but due to confusion that the case diary had already been sent, he could not appear in court. He further submits that he had issued specific instructions in this regard, so that compliance of the order of this court be made by the officer in-

charge and others, responsible for sending the case diary at the earliest.

Considering the explanation, offered by him, this Court accepts the same and hence, his personal appearance is dispensed with.

Heard learned counsel for the petitioner, State and learned counsel for the Informant.

The petitioner apprehends his arrest in connection with Shikarpur P.S. Case No. 328 of 2015 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that it has been alleged that the deceased has been inflicted blows by the petitioner but no such injuries have been found on the person except superficial abrasion on her ankle and eye-brow and the doctor has opined that these injuries are not sufficient to have caused death of the deceased. Further more, on perusal of the post mortem report, it appears that the lady, in question, died due to myocardial infraction and not out of the said injuries.

Learned counsel for the informant submits that the injuries may be simple in nature yet, it was a case where the petitioners ought to have surrendered and prayed for regular bail.

It appears that petitioners and the informant 's side are agnates and have been on litigating terms. It also appears from the case diary that there is no further material in the case diary so as to implicate the petitioners and that, there is case and counter case between the parties, which stands testified by Annexure- 2

Considering the aforesaid facts and circumstances of the case and also the fact that one other case which has been lodged by the same informant with regard to the ensuing family feud and there being no further material, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 328 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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