

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40523 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -PANCHRUKHI District- SIWAN

Taraknath Tiwary Son of Late Ram Nath Tiwary, Resident of Village -
Matuk Chapra, P.S. - Pachrukhi (Sarai O.P.), District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.50384 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -PANCHRUKHI District- SIWAN

- 1. Anita Tiwary @ Anita Devi Wife of Tarak Nath Tiwary
- 2. Arti Tiwary @ Arti Devi, Wife of Sushil Tiwary, Both Resident of
village- Matuk Chapra, P.S.- Pachrukhi (Sarai O.P.), District- Siwan

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.40523 of 2015)

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary(App)

(In Cr.Misc. No.50384 of 2015)

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Rajendra Singh Shastrijee (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 09-11-2015 Heard both sides.

The petitioners apprehend their arrest in Panchrukhi
(Sarai O.P.) P.S. Case No. 18/2015, registered for the offences
punishable under Section 307 and other Sections of the Indian
Penal Code.

The informant alleged that his younger son Tarak Nath Tiwary, his wife Anita Tiwary and another daughter-in-law Arti Tiwary having armed with knife and pistol came and assaulted his youngest son Prem Nath Tiwary. Tarak Nath Tiwary stabbed in the abdomen and Arti Tiwari stabbed on the thigh. Anita Tiwari assaulted with butt of pistol.

It is submitted that two incised injuries were found. Injury no. 1 is simple in nature and injury no. 2 is grievous in nature found on the abdomen of Prem nath Tiwary.

Having considered the facts that there is specific allegation of assault against Tarak Nath Tiwary and Arti Tiwary, who are alleged to have assaulted on abdomen and thigh respectively with knife and corresponding injuries are also found, I am not inclined to enlarge the petitioners Tarak Nath Tiwary and Arti Tiwary. Accordingly, the same is rejected.

So far as the case of Anita Tiwary is concerned, there is of course allegation against her that she assaulted with the butt of the pistol, but no corresponding injury is found.

Considering the facts aforesaid, the petitioner Anita Tiwary above named in the event of her 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, is directed to be

enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Siwan in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 18/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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