

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43854 of 2015

Arising Out of PS.Case No. -438 Year- 2013 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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Kamalnath Tiwari @ Bara Tiwari Son of Krishna Tiwari, resident of
village - Akhwan Jamuniya, Police Station - Shikarpur, District - West
Champaran. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Parmatma Singh, Advocate
For the Opposite Party : Mr. Binod Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 07-10-2015 Petitioner is in custody since April, 2014 and his

prayer for bail was earlier rejected on 3.3.2015 with an

observation at this stage.

He submits that initially in the FIR, the informant
stated that all the accused persons assaulted his brother with rod
and lathi. However, in his statement made before Shikarpur
police he stated that the petitioner assaulted his brother with rod
on his head, thereafter other accused persons assaulted other
family members. Petitioner further submits that there is a
counter case filed by his father, namely, Shikarpur Police
station Case No. 434 of 2013 dated 25.12.2000. As per FIR of
this case, three persons including the petitioner too sustained
injuries.

As there are two versions of the incident so far as

assault part is concerned and also taking into consideration that petitioner has remained in custody for over one and a half year and has also sustained injuries, he (Kamalnath Tiwari @ Bara Tiwari) is directed to be released on bail on furnishing bail bond of Rs.5000/- with two sureties of the like amount each to the satisfaction of Sri Jitesh Kumar, JM, 1st Class, West Champaran, Bettiah in Shikarpur Police station Case No. 438 of 2013 with the condition that he would not be physically absent for two consecutive dates at a stretch, failing which his bail bond may be cancelled. One of the bailors of the petitioner would be a Class III Government employee.

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(Samarendra Pratap Singh, J)