

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26398 of 2016

Arising Out of PS.Case No. -189 Year- 2015 Thana -THAKRAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Bhim Tiwari @ Bhimnath Tiwary, son of late Rajdip Tiwari
2. Lalit Tiwari @ Lalit Kishor Tiwari, son of Shri Bhim Tiwari
Both are resident of village and P.S. Thakraha, District West Champaran
.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Navendu Kumar

For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 05-07-2016 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under sections 341, 427, 504, 379/34 of the Indian Penal Code and section 3(i)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Prosecution case is that on 18.12.2015 when the informant Ramadhar Ram was at his motorcycle repairing shop then petitioner no.1 Bhim Tiwari came, started abusing him and alleged that the petitioners committed theft of cane crop and took it to the sugar mill. Thereafter petitioner no.2, the son of petitioner no.1, Lalit Tiwari caught hold of the informant and tried to strangle the informant. It is also alleged that the petitioner Lalit Tiwari took out 15,000/- rupees from the pocket of the informant and

entered into the shop of the informant and destroyed articles and took away certain articles.

It is submitted by the learned counsel for the petitioners that the time of occurrence alleged by the informant is 11:00 AM on 18.12.2015, whereas petitioner no.1 Bhim Tiwari lodged Thakraha P.S.Case No. 188/2015 with the accusation under sections 341, 323, 379, 504, 506/34 of the Indian Penal Code against the informant and his son which was registered on 18.11.2015 at 11:00 AM. Hence, at 11:00 AM the time of occurrence alleged by the informant, the petitioner no.1 was at the Police Station, whereas the case lodged by the informant has been registered at 12:30 PM on 18.12.2015.

Considering the nature of accusation and the case lodged by the petitioners' side at the earlier point of time, let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within a period of twelve weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Bagha (West Champaran) in Thakraha P.S.Case No. 189/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Surendra/-

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