

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38393 of 2016**

Arising Out of PS.Case No. -17 Year- 2016 Thana -IMADPUR District- BHOJPUR

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1. Nand Kishore Tiwari  
2. Jay Kishor Tiwari @ Jai Kishor Tiwari Both sons of Late Umakant Tiwari resident of Vill - Berai, P.S. - Imadpur, District - Bhojpur, Ara.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajiva Ranjan

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

3      21-10-2016                      Heard the learned counsel for the petitioners, the learned counsel for the informant as well as the learned Additional Public Prosecutor.

The petitioners apprehend their arrest in Imadpur P.S. case No. 17/ 2016 under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that while he asked Raj Mangal Tiwary, Raj Kishore Tiwary, Nand Kishore Tiwary, Jay Kishore Tiwary and Sushila Kunwar the reason to construct wall over the lands falling in his share, the accused persons, including the petitioners, began to assault the informant with iron rod. The accused persons also assaulted his daughter, Priyanshu Kumari.



The learned counsel for the petitioners submits that there is a counter version being Imadpur P.S. case No. 18 of 2016. Sheela Devi, wife of Umakant Tiwary, lodged the case. Petitioner No.1, Nand Kishore Tiwary got two injuries and petitioner No.2, Jay Kishore Tiwary, got seven injuries. The informant, Bharat Tiwary, also got lacerated wounds and bruises on different parts of his body but all the injuries are simple in nature. Similarly, Priyanshu Kumari got one lacerated wound on left side of head and one swelling over left leg. Both the injuries are simple in nature.

The learned counsel for the informant as well as the learned Additional Public Prosecutor, however, vehemently opposed the prayer for anticipatory bail.

It appears that on account of land dispute the petitioners and informant entered into mutual assault and both sides sustained injuries but the injuries are simple in nature.

Considering the facts aforesaid and the nature of allegations made against the petitioners, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten

thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in Imadpur P.S. Case No. 17 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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