

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25215 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ramashray Tiwari Son of Late Ram Ayodhya Tiwari,
 2. Pramod Tiwari Son of Late Baidhnath Tiwari,
 3. Mohan Tiwari Son of Late Baidhnath Tiwari,
 4. Arun Tiwari son of Ramashray Tiwari,
 5. Bipin Kumar Tiwari @ Bipin Tiwari son of Ramashray Tiwari, All
resident of Village- Raghunathpur, P.s.- Paharpur, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Shailendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-06-2016 Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 326, 379, 325, 504, 506, 34 of the Indian Penal Code.

The prosecution case is that the elder brother of the informant was irrigating his land when the accused persons came variously armed and started abusing. It is alleged that petitioner No. 5 Bipin Kumar Tiwari assaulted with farsa on the head of the brother of the informant as a result he fell down and when the cousin brother of the informant Vivek Kumar Tiwari came to rescue then co-accused Dharmendra Tiwari and others assaulted him with farsa on his head. The

accused persons also caused fracture injury to Radheshyam Tiwari. Co-accused Dharmendra Tiwari and petitioner No. 3 Mohan Tiwari snatched gold chain of the Vivek Kumar Tiwari.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. The petitioners are accused in one other case being Paharpur P.S. Case No. 313 of 2015 registered under Section 307 and other provisions of the Indian Penal Code in which they are on anticipatory bail. A statement to that effect has been made in para 3 of the petition.

Considering the specific accusation of assault only against petitioner No. 5, let the petitioners, above named, except petitioner No. 5, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 59 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner No. 5, Bipin Kumar Tiwari @ Bipin Tiwari is concerned, let learned Court below consider the prayer for regular bail of petitioner No. 5, Bipin Kumar Tiwari @ Bipin Tiwari, if he surrenders within a period of six weeks in connection with Paharpur P.S. Case No. 59 of 2016,

pending in the Court of learned Chief Judicial Magistrate,
Motihari, East Champaran.

With the observations above, the application
with regard to petitioner No. 5 Bipin Kumar Tiwari @ Bipin
Tiwari stands disposed of.

(Dinesh Kumar Singh, J)

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