

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37529 of 2016

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

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

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Sri Atul Chandra,A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-09-2016 Heard learned counsel for the petitioner and learned
A.P.P.for the State.

Petitioner apprehends his arrest in connection with
Pachrukhi (Sarai O.P.) P.S.Case No.18 of 2015 registered for the
offences punishable under Sections 147, 341, 323,324 and 307 of
the Indian Penal Code.

The prosecution case, in brief, as lodged by the
informant, namely, Smt Ramawati Devi, is that on 18.01.2015 at
7.30 P.M. her 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 her youngest son Prem
Nath Tiwary. Tarak Nath Tiwary stabbed in the abdomen of Prem
Nath Tiwary and Arti Tiwary stabbed on his thigh. Anita Tiwary

also assaulted him with butt of pistol.

It has been submitted by the learned counsel for the petitioner that both sides belong to the same family and Section 307 is a super addition. He further submits that there was some land dispute between the family and the petitioner being the step son of the informant has been falsely implicated. It has also been submitted that no assault has been attributed against the petitioner and that the petitioner has no criminal history as is evident from paragraph 3 of the petition. Further more it has been submitted that the petitioner is a railway employee and on the date of the occurrence petitioner was on his duty at Ranchi. He also submits that the F.I.R. has been lodged after a delay of two days and no plausible explanation has been given.

However, learned A.P.P. for the State submits that the petitioners are named in the First Information Report and hence, opposes the prayer for bail.

Be that as it may, since both the sides belong to the same family, the petitioner having not committed any overt act and has got no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the

like amount each to the satisfaction of learned Sub-Divisional
Judicial Magistrate, Siwan, in Pachrukhi (Sarai O.P.) P.S. Case
No.18 of 2015, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

AnilKrSinha/-

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