

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51218 of 2015

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Munna Tiwari, son of Sri Rameshwar Tiwari, resident of village & Post-
Babhani, P.S.- Kargahar, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.57130 of 2015

Arising Out of PS.Case No. -233 Year- 2015 Thana -KARAHGAR District- SASARAM (ROHTAS)

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Papu Tiwari, Son of Rameshwr Tiwary, Resident of village- Babhani, P.S.-
Kargahar, District- Rohtas (Sasaram).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.51218 of 2015)

For the Petitioner/s : Mr. Nilesh Kumar, Advocate.

For the Opposite Party/s : Mr. M.Haque(APP)

(In Cr.Misc. No.57130 of 2015)

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav(APP)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

3 09-02-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioners are accused in connection with
Kargahar P.S. Case No. 233 of 2015 registered under Section
302/34 of the Indian Penal Code.



The allegation of informant, Umesh Tiwary, is that on 26.07.2015, petitioners along with three others were plowing the field of his cousin brother Santosh Tiwary. When he went there and made protest then they caused injury to Santosh Tiwary through stick, lathi and rod, on which, he fell down and became unconscious. Thereafter, informant reached there and took him to Karaghar Hospital fromwhere his cousin brother was referred to Sadar Hospital, Sasaram for better treatment who died during the course of treatment there.

Learned counsel for the petitioners submits that, in fact, petitioners were plowing their own field when the alleged occurrence took place. In paragraph 96 of the case diary, it has come that the land was not of Santosh Tiwary. Moreover, specific overt act has not been alleged against the petitioners while five injuries were found on the person of deceased but only injury no. 4, i.e., temporal area on right side is to be cause of death.

Having regard to the facts and the circumstances of the case, the petitioners above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each

to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram in connection with Kargahar P.S. Case No. 233 of 2015.

(Rajendra Kumar Mishra, J)

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