

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52943 of 2017

Arising Out of PS.Case No. -120 Year- 2014 Thana -BHELDI District- SARAN

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1. Satyanand Tiwari S/o Sakal Deo Tiwari.
2. Lal Babu Tiwari @ Lal Babu Tiwary S/o Sakal Deo Tiwari. Both
Resident of Village-Ghoshi Chapra, P.S.-Veldi, District-Saran.
..... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Ranjan Kumar Dubey, Advocate
For the Opposite Party : Mr. Aditya Narayan Singh 1, ASPP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-11-2017 Counsel for the petitioner and the State are present.

The petitioners seek bail in a case registered for the offence under sections 307, 379 and other allied sections of the IPC.

Dispute over parking right on a disputed land led to a fight between the parties.

Counsel for the petitioners submits that in the instant case, petitioners are accused, whereas in the other case filed by the petitioners's side, i.e., Bheldi Police Station Case No. 123 of 2014 persons of informant's side have been made accused. He further submits that though some injuries are alleged to have been inflicted by the petitioners on the informant side, but all the injuries are either simple in nature or are on non-vital parts of the body. He further submits that both the petitioners were not present at the place of occurrence at the relevant time. Petitioner no.1 is a patient of heart disease already got operated at Apollo Hospital, Bhubneshwar on 14.3.2014 and had gone to Bhubneshwar for routine check up with petitioner no.2 at the relevant time. Attention of the Court has also drawn towards the



Co-ordinate bench order of this Court dated 13.9.2017, passed in Cr.Misc.No. 18727 of 2017 in which the Court while hearing anticipatory bail petition of the petitioners and others has observed that *“keeping in view investigation the petitioners have not been sent up for trial, it is a case for consideration of prayer for regular bail”*. Besides this, petitioners are in custody since 10.10.2017 without having any antecedent. Investigation has also been completed and there is no chance of tempering of evidence.

In the facts of the case, the bail application is allowed. Let both the petitioners, as mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Saran at Chapra in Bheldi Police Station Case No. 120 of 2014 on the following conditions:-

(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with them. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(b) The affidavit shall clearly state that the petitioners are not accused in any other case, and if they are, they shall not be released on bail.

(c) The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and



delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(e) The petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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