

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54916 of 2016

Arising Out of PS.Case No. -67 Year- 2016 Thana -MAIRWA District- SIWAN

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1. Baidyanath Tiwary Son of Late Brahma Tiwary.
2. Appu Tiwary Son of Baidyanath Tiwary Both are residents of Village-
Lebhari, Police Station- Mairwa, District- Siwan. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Nand Shukla

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 28-02-2017 Heard both sides.

The petitioners seek bail in Mairwa P.S. case No. 67
of 2016 under Section 307 and other Sections of the Indian Penal
Code.

The informant alleged that petitioners and others
came to his Darwaja and began to assault the informant and others
with axe and iron rod. Baidyanath Tiwary, petitioner No.1,
assaulted his son Ranjan Tiwari with iron rod on his head and
when Girija Devi, wife of informant, came to save her son
petitioner No.2, Appu Tiwary, assaulted her with axe on her head.

The learned counsel for the petitioners submits that
petitioners are co-sharers. Ranjan Tiwari got simple injuries.
Girija Devi got two injuries out of which one injury on skull was
opined to be grievous in nature on account of fracture of temporal
bone. The case has been compromised. The petitioners are in jail
since 08.11.2016.



It appears that petitioners are co-sharer of the informant and there is, of course, allegation against Baidyanath Tiwari that he assaulted Ranjan Tiwari with iron rod but the injuries opined to be simple in nature. Appu Tiwary is alleged to have assaulted Girija Devi with axe on her head and one injury on head is opined to be grievous in nature.

Considering the facts aforesaid, petitioner No.1, Baidyanath Tiwary, who is assailant of Ranjan Tiwari, is 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 Additional Chief Judicial Magistrate-VII, Siwan in Mairwa P.S. Case No. 67 of 2016.

So far as case of petitioner No.2, Appu Tiwary is concerned, he gave axe blow on the head of wife of informant, Girija Devi, and one injury on head is found to be grievous in nature, I am not inclined to enlarge petitioner No.2 on bail at this stage. Accordingly, the same is rejected.

The petitioner No.2, Appu Tiwary, may renew his prayer for bail after remaining nine months in custody.

(Prabhat Kumar Jha, J)

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