

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4198 of 2017

Arising Out of PS.Case No. -159 Year- 2016 Thana -BARAULI District- GOPALGANJ

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1. Manoj Tiwary, S/o- Ram Janak Tiwary,
2. Chanchal Tiwary, S/o- Shivnath Tiwary,
3. Bhabhikhan Tiwary, S/o- Shivnath Tiwary,
4. Rakesh Tiwary, S/o- Ram Janak Tiwary, All Resident of Village-
Mohammadpur, Nirmal Tola, P.S.- Barauli, District- Gopalganj, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra
For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 18-03-2017 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out
of Barauli Police Station Case No. 159 of 2016/ G.R. No. 2322 of
2016, disclosing offences under Sections 341, 323, 307, 504, 354 and
34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
there is general and omnibus allegation against these petitioners and
they have falsely been implicated in this case. The petitioners are of
clean antecedents. Though there is allegation of assault by rod on the
head of the person of the injured but the injury appears to be simple
in nature, which is evident from annexure-2. Hence, the petitioners
deserves the privilege of anticipatory bail.



Learned A.P.P for the State has submitted that there is direction allegation of assault by rod on the head of the injured against petitioner no.2, namely, Chanchal Tiwary.

Considering the facts and circumstances of the case, let petitioner Nos.1, 3 and 4, Manoj Tiwary, Bhabhikhan Tiwary and Rakesh Tiwary, in the event of their arrest or surrender before the Court below within six weeks, be released on 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, Gopalganj, in connection with Barauli Police Station Case No. 159 of 2016/ G.R. No. 2322 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner No.2, namely, Chanchal Tiwary is concerned, considering the direct allegation of assault by rod on the head of the injured, this Court is not inclined to grant privilege of anticipatory bail to this petitioner. Accordingly, the prayer for anticipatory bail of this petitioner is rejected.

(Arvind Srivastava, J.)

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