

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24663 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -MEHANDIA District- JEHANABAD

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1. Nagendra Tiwari Son of Awadh Tiwari
 2. Prince Tiwari son of Lalan Tiwari
 3. Lalan Tiwari son of Awadh Tiwari
 4. Awadh Tiwari son of Late Shiv Lakhan Tiwari All residents of Village - Sarwarpur, P.S. - Mehandia, District - Arwal.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 12-06-2017 Heard Sri Gagan Deo Yadav, learned counsel for the petitioners and Sri Gauri Shankar Gupta, learned Additional Public Prosecutor for the State.

The petitioners are seeking Anticipatory Bail in connection with Mehandia P.S. Case No. 10 of 2017 for offences registered under Sections 341, 323, 307, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioners, referring to Annexures-1 and 2, would submit that this case is arising out of land dispute and there is a case and counter case from both the sides. Learned counsel for the petitioners would further submits that except the allegation of causing assault on head by Nagendra Yadav Tiwari (petitioner no.1), the allegation against all other petitioners namely, Prince Tiwari, Lalan Tiwari and Awadh



Tiwari are vague. In fact, there is no allegation of assault against Lalan Tiwari. The allegation of assault against Prince Tiwari and Awadh Tiwari are that of assaulting Sheonandan Thakur, who had sustained simple swelling and lacerated wound on the right hand and left hand's knee, which are all simple in nature, as noted by the learned Additional Sessions Judge-II.

Learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail of the petitioners.

However, in the facts and circumstances of the case, in the event of arrest/surrender, let the petitioner Nos. 2, 3 and 4 named-above be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal in connection with Mehandia P.S. Case No. 10/2017.

The prayer for Anticipatory Bail in respect of petitioner no. 1 is refused. In case, he surrenders within a period of four weeks and prays for bail, the same shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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