

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16463 of 2017

Arising Out of PS.Case No. -220 Year- 2016 Thana -KUDRA District- BHABHUA (KAIMUR)

1. Suraj Tiwari

2. Niraj Tiwari

Both are sons of Late Arbind Tiwari Resident of Village -
Chakan, Police Station - Chanautir, District - Gaya.

3. Dharamvir Tiwari

4. Akhilesh Tiwari @ Sanjay Tiwari

5. Satendra Tiwari

All are Sons of Late Harkulash Tiwari Resident of Village -
Sadikpur, Police Station - Buniyadganj, District - Gaya.

6. Deepak Pandey Son of Chandra Bhushan Pandey Resident of
Mohalla - Patel Chowk, Police Station - Kudra, District -
Kaimur at Bhabua.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Advocate

For the Informant : Mr. Ramchandra Singh, Advocate

For the Opposite Party/s : Mr. Sri Mithilesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 15-06-2017

Heard learned counsel for the petitioners,

learned counsel for the informant and learned Additional

Public Prosecutor for the State.

The petitioners are seeking Anticipatory Bail

in connection with Kudra P.S. Case No. 220/2016 for the



offences punishable under Sections 147, 148, 149, 323, 324, 326, 307, 379 & 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is a case and counter case from both the sides registered on the same day, however, the case lodged by the petitioners' side has been registered prior to the present case in which they are seeking Anticipatory Bail.

Learned counsel for the petitioner further submits that a bare perusal of the First Information Report would show that there is no specific allegation of assault against petitioner nos. 3, 4 & 5. The allegation causing simple injury has been made against petitioner nos. 1, 2 & 6. Learned counsel would further submit that in fact petitioner no. 1 has been brutally assaulted and has received injuries from the informant's side. The petitioners have no criminal antecedent and the petitioner nos. 3, 4 and 6 have got clean antecedent. However, against petitioner nos. 1, 2 and 5 there is only one case that too was lodged by the informant's side.

Learned counsel for the petitioners, however, submits that in fact petitioner no. 1 has received serious



injuries.

Learned counsel for the informant opposes the prayer for bail of the petitioners, however, accepts the position that there is no specific allegation of assault against petitioner nos. 3, 4 & 5 and there are case and counter case by both the sides.

Considering the nature of allegation particularly that there is no specific allegation of assault against petitioner nos, 3, 4 & 5 and petitioner nos. 3 & 4 have got clean antecedent, whereas petitioner no. 5 there is only one case that too was lodged by the present informant, I am inclined to grant Anticipatory Bail to petitioner nos. 3, 4 and 5, in the event of their arrest/surrender before the court below within a period of four weeks, let the petitioner nos. 3, 4 and 5, named-above, be enlarged 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, Kaimur at Bhabhua, in connection with Kudra P.S. Case No. 220 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



However, prayer for Anticipatory Bail of petitioner nos. 1, 2 & 6, named-above, is hereby rejected. They are directed to surrender before the court below within a period of four weeks, and in case they file an application for bail, their prayer may be considered, on the basis of materials available on record, on its own merit.

With the aforesaid observations, this application stands disposed of.

(Rajeev Ranjan Prasad, J.)

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