

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40918 of 2017

Arising Out of PS.Case No. -79 Year- 2017 Thana -PIRPAINTI District- BHAGALPUR

- =====
1. Shiv Kumar Tiwary, s/o Deodhari Tiwary,
 2. Namita Devi, w/o late Paras Tiwary.
 3. Tuntun Tiwary, s/o late Paras Tiwary.
 4. Chitranjan Tiwary @ Chitranj Tiwary, s/o late Paras Tiwary.
 5. Mithu Tiwary @ Mithun Tiwary, s/o Shiv Kumar Tiwary
- All r/v Pathalkhan, P.S.-Pirpainty, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Janki Nandan Prasad

For the Opposite Party/s : Mr. Sri Panchanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-09-2017 Heard learned counsel for the petitioners as well as the State.

The petitioners apprehend their arrest in Pirpainty P.S. Case No. 79/2017 instituted for the offences under Sections 341, 323, 324, 337, 379, 504 and 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that doctor has found simple injury on the person of the informant. There is general and omnibus allegation against all the petitioners.

In the written report, it is alleged that the petitioners assaulted with lathi, iron rod, *Garasa* etc. mother of informant. It is further alleged that Bhim Tiwary was assaulted with *Garasa*. From the impugned order, it appears that Bhim Tiwary has sustained simple injury.



It has been submitted that the informant and petitioners are brother, nephew, Dever and Bhabhi. There is family dispute between the parties on account of partition of the property.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Pirpainty P.S. Case No. 79/2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J.)

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