

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17984 of 2017

Arising Out of PS.Case No. -202 Year- 2016 Thana -PAHARPUR District- EASTCHAMPARAN
(MOTIHARI)

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1. Rajendra Tiwary,
2. Harendra Tiwary,
Both Son of Late Bishambhar Tiwary, resident of Village- Raj Kararia,
P.S. Paharpur, District- East Champaran.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pramod Kumar Pandey

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 12-04-2017 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are in custody since 02.11.2016 and
04.11.2016 respectively in connection with Sessions Trial No. 288
of 2017 arising out of Paharpur P.S. Case No. 202 of 2016 for the
offences alleged under Sections 147, 341, 323, 324, 307, 379 and
504 of the Indian Penal Code.

3. It is submitted that the petitioners have been
falsely implicated in the backdrop of a petty dispute between the
parties. Petitioner no. 1 is merely an order giver and no overt act of
assault has been alleged against him. So far as petitioner no. 2 is
concerned, he is said to have assaulted with *farsa* along with
accused Surendra Tiwary who assaulted with *bhala* on the head of
the informant's head. The injury report of a private establishment,
namely, Rahmania Medical Centre (Pvt. Ltd.), Motihari (Annexure-
2) has been brought on record, according to which incised wounds
are simple in nature. The petitioners claim clean antecedents.

4. Be that as it may, having regard to the entirety of



the facts and circumstances of the case, let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-13, East Champaran, Motihari, in connection with Sessions Trial No. 288 of 2017 arising out of Paharpur P.S. Case No. 202 of 2016, on the following conditions:-

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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