

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25253 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -KATEYA District- GOPALGANJ

- =====
1. Bateshwar Tiwari S/o Sri Vijay Tiwari Resident of village - Belaura,
P.S. - Kateya, Dist - Gopalganj.
2. Annu Tiwari @ Anu Tiwari S/o Sri Sadanand Tiwari Resident of village
- Belaura, P.S. - Kateya, Dist - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.25516 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -KATEYA District- GOPALGANJ

- =====
1. Nanahaku Tiwari, S/o Radha Balam Tiwari.
2. Law Kush Tiwari, S/o Radha Balam Tiwari, Resident of Village-
Belaura, P.S. Kateya Dist.- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.25253 of 2017)

For the Petitioner/s : Mr. Devanand Tiwari

For the Opposite Party/s : Mr. Nityanand

(In Cr.Misc. No.25516 of 2017)

For the Petitioner/s : Mr. Devanand Tiwari

For the Opposite Party/s : Smt Pushpa Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 03-08-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in custody since 21.02.2017
in connection with Kateya P.S. Case No. 138/16 for offences



punishable under Section 302 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was ploughing his field, which was purchased by him the petitioners along with Ashok Tiwari, Manish Tiwari and Mantu Shukla came and assaulted him and his father Kailash Mishra. His father later on succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that they are innocent, bear no criminal antecedent and the matter relates to land dispute between the parties. He submits that the informant has alleged that three accused Manish Tiwari, Bateshwar Tiwari and Mantu Shukla hit his father by means of lathi in his re-statement. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel appearing for the informant submits that the allegation is upon all the accused persons of hitting him and his father. His father was grievously injured and succumbed to the injuries, hence, opposes the prayer for bail.

Learned APP for the State also opposes the prayer for



bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on completion of one year in custody on furnishing bail bonds 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 Kateya P.S. Case No. 138/2016, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioners and that petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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