

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38503 of 2017

Arising Out of PS.Case No. -104 Year- 2017 Thana -ANDER District- SIWAN

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1. Rupesh Tiwari @ Ajeet Mani Tripathi, Son of Virendra Tiwari
2. Virendra Tiwari @ Virendra Mani Tripathi
3. Sanjay Tiwari Both Sons of Kailash Tiwari, All three Resident of
Village-Jaijor, P.S. Andar, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Andar P.S. Case No. 104 of 2017 instituted for the offence under Section-307 & other minor Sections of the Indian Penal Code.

As per written report, it is alleged that petitioner No. 1 assaulted the son of informant on head with sword. Thereafter, petitioner Nos. 2 & 3 also assaulted him with iron rod and farsa indiscriminately on the other part of the body, causing injury on his head, left hand and leg.

The injury report has been annexed as Annexure-2 to this petition. In the impugned order, the learned Sessions Judge has also discussed about the injury and has stated that lacerated wound on left skull and Swelling and tenderness of left elbow were found on the



person of the injured. After CT scan of skull extracranial soft tissue swelling was seen in the left frontal and parietal region of bony fracture.

As such, there is specific allegation against petitioner No. 1 namely, Rupesh Tiwari @ Ajeet Mani Tripathi of assaulting the son of the informant.

In such circumstances, this court is not inclined to grant anticipatory bail to the petitioner No. 1 namely, Rupesh Tiwari @ Ajeet Mani Tripathi. Accordingly, his prayer for anticipatory bail is rejected.

The petitioner No. 1 is directed to surrender in the court below within four weeks from today and seek regular bail which will be considered by the court below and disposed off on the same day in accordance with law without being prejudiced by this order.

So far as petitioner Nos. 2 & 3 are concerned; there is general and omnibus allegation against them.

In such circumstances, prayer for anticipatory bail of petitioner Nos. 2 & 3 is allowed and it is ordered that the petitioner Nos. 2 & 3 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Andar P.S. Case No. 104 of 2017 to the satisfaction of



learned Additional Chief Judicial Magistrate-IX, Siwan subject to condition as laid down u/S 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) petitioner Nos. 2 & 3 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 petitioner Nos. 2 & 3 and (3) if petitioner Nos. 2 & 3 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 petitioner Nos. 2 & 3.

(Sanjay Priya, J)

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