

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18727 of 2017

Arising Out of PS.Case No. -120 Year- 2014 Thana -BHELDI District- SARAN

- =====
1. Satyanand Tiwari, son of Sakal Deo Tiwari,
 2. Lal Babu Tiwari, son of Sakal Deo Tiwari, Both resident of Village- Ghoshi Chapra, P.S.- Veldi, District- Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 13-09-2017

Heard Mr. Kumar Dilip Singh, learned

counsel for the petitioners and Ms. Smriti Singh, learned counsel for the informant.

The petitioners have renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 448, 323, 324, 307, 379 and 504 of the Indian Penal Code.

The accusation is of making assault to informant's father, grandfather and uncle. One injury each of the informant's grandfather and uncle have been found to be grievous whereas other injuries have been found to be simple in nature.

Considering the specific accusation of



causing injury against the petitioners, this Court declined to grant anticipatory bail to them vide order dated 07.01.2015 passed in Cr. Misc. No. 52107 of 2014.

It is submitted by learned counsel for the petitioners that on conclusion of the investigation, the petitioners were not sent up for trial but differing with the final form the learned Magistrate took cognizance of the offences against the petitioners also and hence, the apprehension arose to the petitioners, which culminated filing of the present application. It is further submitted that petitioner no. 1 could not surrender as he underwent for heart bypass surgery during the said period.

It is submitted by learned counsel for the informant that considering the nature of accusation prayer for anticipatory bail of the petitioners was earlier rejected but the petitioners failed to surrender before the learned Court below.

Considering the rival submissions of the parties, keeping in view the fact that considering the nature of accusation earlier anticipatory bail application of the petitioners was rejected by this Court more than two years ago, this Court is not inclined to revise the earlier order. However, keeping in view the fact that the accusation against the petitioners has not been found true during investigation, hence, on conclusion of the



investigation the petitioners have not sent up for trial, it is a case for consideration of prayer for regular bail, if the petitioner surrender before the learned Court below within a period of six weeks from today in connection with Bheldi P.S. Case No. 120 of 2014, pending in the Court of learned Judicial Magistrate, Ist Class, Saran at Chapra.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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