

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6935 of 2017

Arising Out of PS.Case No. -98 Year- 2016 Thana -CHENARI District- SASARAM (ROHTAS)

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1. Sanjay Tiwari, Son of Jagarnath Tiwari, resident of Village- Bensil, P.S.- Chenari, District- Rohtas.
 2. Ashok Tiwari, Son of Ramchandra Tiwari, Resident of Village- Bensil, P.S. Chenari, District- Rohtas.
 3. Rameshwar Tiwari, Son of Late Dahin Tiwari, resident of Village- Bensil P.S.- Chenari, District- Rohtas.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : M/S. Vinay Mistry and Prince Kumar
Mishra, Advocates.

For the Opposite Party : Mr. Dilip Kumar, A.P.P. 19.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-02-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Chenari P.S. Case No. 98 of 2016 for the offences instituted under Sections 147, 148, 149, 323, 337, 338, 307 and 379/34 of the IPC.

The prosecution story, in brief, is that on 28.04.2016 while the informant was in queue to caste vote at the Polling Booth, supporter of candidate of Mukhiya, namely, Sitaram Tiwari, Guddu Tiwari, Santosh Tiwari, Pintu Dubey, Ravi



Shankar Tiwari, Surendra Tiwari and 20 other persons of Dihariya Panchayat started mounting pressure upon him to cast vote in favour of the said candidate. On his refusal to oblige them, they attacked on him and others standing in queue and thrashed them. Resultantly, Birendra Mishra, Alok Mishra, Virendra Tiwari, Anil Tiwari sustained grievous injury. Then the accused persons snatched golden chain of Birendra Mishra while took out Rs. 1,000/- from the pocket of Anil Tiwari.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is a case and counter case between the parties. The occurrence is said to have taken place in course of the Assembly Election. The occurrence is said to have taken place on 28.04.2016 but FIR was instituted on 01.05.2016. The delay has not been explained by the prosecution.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Chenari P.S. Case No.



98/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VII, Rohtas at Sasaram, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

