

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40933 of 2017

Arising Out of PS.Case No. -191 Year- 2016 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Chandrika Tiwari, Son of Late Paras Tiwary,
2. Awnish Tiwari Son of Daroga Tiwari, Both are R/o village- Sonbarsa,
P.S.- Harsidhi , District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Harsidhi P.S. Case No. 191 of 2016 instituted for the offence under Sections-325, 307, 436, 379 & other minor Sections of the Indian Penal Code.

It has been submitted that the instant case is counter blast of Harsidhi P.S. Case No. 190 of 2016 lodged by co-accused Daroga Tewary against the informant and others.

In the instant case, there is allegation against the petitioner No. 1 that, he assaulted the informant along with Dhrub Tiwary by means of Lathi, iron rod, on account of which, his two fingers were fractured. The allegation against petitioner No. 2 is that he along with Dhrub Tiwary assaulted the mother of the informant when she came to rescue the informant.

The learned Sessions Judge in the impugned order has mentioned that lacerated wound was found on the head of mother of the



informant.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners 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 in Harsidhi P.S. Case No. 191 of 2016 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari 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) petitioners 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 petitioners and (3) if petitioners 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 petitioners.

(Sanjay Priya, J)

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