

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34384 of 2017

Arising Out of PS.Case No. -70 Year- 2017 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Birendra Rai S/o Late Janak Rai,
2. Dhruvdeo Tiwary @ Dhrup Deo Tiwary S/o Late Ram Balak Tiwari,
3. Ranjeet Tiwary S/o Janardhan Tiwary
4. Raju Tiwary @ Amit Kumar S/o Late Dharam Deo Tiwary,
5. Ram Darshan Tiwary S/o Late Balak Tiwari, All Resident of Village-
Rajwada, P.S.- Ghorasahan, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 10-08-2017 Heard both sides.

The petitioners apprehend their arrest in Ghorasahan P.S. Case No. 70 of 2017 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code.

The informant named the petitioners except petitioner no. 2 Dhruvdeo Tiwary @ Dhrup Deo Tiwary and alleged that Akhilesh Tiwary assaulted him with Pharsa on his head and Hiralal Rai assaulted him with Lathi on his back of chest. The informant further alleged that the petitioners also assaulted him.

Learned counsel for the petitioners submits that there is a counter version being Ghorasahan P.S. Case No. 75 of 2017.



The petitioners are co-sharer of the informant. No specific allegation of assault is made against the petitioners. From perusal of the injury report of the informant, it would appear that the informant got as many as five injuries but, all the injuries except injury no. 2 are simple in nature. The injuries found on the left side of chest are opined to be grievous in nature but no specific allegation of assault is made against the petitioners.

On the other hand learned counsel for the informant as well as learned APP vehemently opposed the prayer for anticipatory bail of the petitioners.

Having considered the facts aforesaid and the fact that the petitioners except petitioner no. 2 are named in the FIR but the informant did not make any specific allegation of assault against the petitioners and the petitioners are not the author of the injuries found on the person of the informant, the petitioners above named in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in Ghorasahan P.S. Case No. 70 of 2017, Subject to



the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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