

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28823 of 2017

Arising Out of PS.Case No. -574 Year- 2016 Thana -TURKAULIYA District- EASTCHAMPARAN
(MOTIHARI)

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1. Lal Babu Mahto , Son of Bira Mahto,
2. Pawan Kumar Tiwari, Son of Ravi Bhushan Tiwari @ Lalu Tiwari,
3. Nitesh Kumar Tiwari @ Chhotu, All Resident of Village- Nandpur, P.S.-
Muffasil (Motihari) District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 22-08-2017 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Turkauliya (Banjariya) Police Station Case No. 574 of
2016, disclosing offences under Sections 147, 148, 149, 341,
323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners has submitted
that there is general and omnibus allegation against these
petitioners and no specific overt act is attributed to them. In fact,
occurrence is of 08.11.2016 whereas F.I.R. has been lodged on
18.11.2016 after lapse of ten days, which itself creates doubt on
the prosecution version. As a matter of fact, there is land dispute



between the parties and on account of that case and counter case has also been lodged by both the parties. Moreover, the injuries sustained by the prosecution side are simple in nature. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, be released 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, in connection with Turkauliya (Banjariya) Police Station Case No. 574 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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