

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43829 of 2017

Arising Out of PS.Case No. -446 Year- 2017 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Nagendra Tiwari @ Pursotam Tiwari, Son of Late Indar Tiwari.
2. Mudrika Devi @ Mundrika Devi W/o Surendra Tiwari, Both are R/o
Village- Ashok Pakri (Tiwari Tola), P.S.- Pipra Kothi, District- East
Champaran, at present R/o Mohalla- Chandmari Ekawana, P.S.-Motihari
Town, District- East Champaran.

.... Petitioners/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioners/s : Mr. Umesh Tiwari

For the Opposite Party/s : Mr. Sri Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-10-2017 The petitioners seek regular bail in connection with

Motihari Town P.S. Case No. 446 of 2017, registered for offences

punishable under Sections 341, 323, 325, 307/34 of the Indian

Penal Code.

Allegation as per F.I.R that an altercation took place

between the parties, in which co-accused Prabhat Kumar

Tiwary assaulted three year son of the informant on his head due

to which he died and when informant and his two year daughter

went there petitioners assaulted them on their head causing injury

to them.

It has been submitted on behalf of the petitioners that



allegation of assaulting the son of the informant against other co-accused person of this case and against these petitioners, there is allegation of assaulting the informant and his two years old daughter, however, injuries caused to them was found to be simple in nature. Further there is case and counter case between the parties as the co-accused of this case has lodged a case against the informant for committing theft of his motorcycle. Petitioners have been in judicial custody since 24.06.2017.

Heard learned A.P.P as well as learned counsel for the informant. They have opposed the prayer for bail, however, they have fairly conceded that the allegation of assaulting the deceased is against other co-accused of this case.

Having heard both sides, in view of the above facts, let the petitioners above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Motihari, East Champaran, in connection with Motihari Town P.S. Case No. 446 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the



concerned Court.

- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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