

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35152 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -MOHAMMADPUR District- GOPALGANJ

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1. Bharat Bhushan Tiwary Son of Bhirgunath Tiwary
2. Shashi Bhushan Tiwary Son of Prabhunath Tiwary
Both are Resident of Village-Kashi Tengrahi, P.S.-Mohammadpur, District-
Gopalganj Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioners and learned
APP representing the State.

The petitioners apprehend their arrest in connection with
Mohammadpur P.S. Case No. 40 of 2017 registered for the
offences punishable under Sections 341, 323, 353, 427, 504,
506/34 of the Indian Penal Code.

Allegedly, the petitioners came and asked the informant to
open Jamabandi and when the informant told them that after the
weekly meeting he will do the work then they started abusing and
assaulting with fat and slaps and further they torn the Register II
and inquiry report and further caused threats to kill him.

Submission is of false implication and that the petitioner
Bharat Bhushan Tiwary filed compliant case against C.O. and the
informant in the court of C.J.M., Gopalganj and FIR has been



lodged after three days of the occurrence and as such the petitioners deserve sympathetic consideration.

Learned APP opposes the prayer of anticipatory bail.

In the facts and circumstances stated above, considering the allegation attributed against the petitioners, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioners, accordingly, their such prayer stands rejected.

However, the petitioners, if so advised, surrender and seek regular bail before the court below then the same shall be considered on its own merit without being prejudiced by the present order preferably on the same day.

(Jitendra Mohan Sharma, J)

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