

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60838 of 2017

Arising Out of PS.Case No. -155 Year- 2017 Thana -DINARA District- SASARAM (ROHTAS)

- =====
1. Bipin Bihari Tiwari @ Bipin Tiwari, S/o Kashi Nath Tiwari,
 2. Dhanjee Tiwari S/o Bipin Bihari Tiwari @ Bipin Tiwari, Both are R/o Village- Tetrahar, P.S.- Dinara, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwari

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

- 2 21-12-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with Dinara P.S.Case No. 155 of 2017 registered under Sections 147, 148, 149, 341, 323, 504, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submitted that so far as petitioner no.2 Dhanjee Tiwari is concerned, he has falsely been implicated in this case as it is alleged that he opened fire which hit none. He submitted that as far as petitioner no.1 Bipin Bihari Tiwari @ Bipin Tiwari is concerned, though he is alleged to have assaulted with *farsa* to the informant, the injuries sustained by him were found to be simple.



On the other hand, learned counsel for the State submitted that the injuries caused to the informant were all incised wounds, which clearly goes to show that the petitioner assaulted the informant with deadly weapon.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender before the court below within four weeks from today, the petitioner no.2 Dhanjee Tiwari is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Bikramganj, Rohtas in connection with Dinara P.S.Case No. 155 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the petitioner no.1 Bipin Bihari Tiwari @ Bipin Tiwari is concerned, his application for grant of pre-arrest bail is rejected. In case he surrenders and seeks bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J)

Pradeep/-

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