IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60334 of 2017

Arising Out of PS.Case No. -124 Year- 2017 Thana -HULASGANJ District- JEHANABAD

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1. Amit Kumar Tiwary @ Amit Tiwary @ Bhim,
2. Nakul Kumar Tiwary @ Nakul Tiwary,
3. Sahdeo Tiwary, All are Sons Sri Narendra Tiwary @ Narayan Tiwary, R/o Village- Baigni, P.S.- Hulasganj in the District- of Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sushant Kumar
For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2018 Heard the learned counsel for the petitioners and learned counsel for the State.

The petitioners seek anticipatory bail in connection with Hulasganj PS case no. 124 of 2017 registered for the offences punishable under Sections 341, 323, 325, 379, 307,504,506/34 of the Indian Penal Code.

The allegation is regarding assault on the husband of the informant on account of certain dispute with regard to land, which belongs to the informant's side. It has been alleged that one Chintu Tiwary, who is the main accused in the present case, had assaulted the husband of the informant, resulting in grievous injury on head and knee.

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The learned counsel for the petitioner submits that the petitioners have a clean antecedent and no allegation of any specific overt act has been levelled against them. The allegation whatsoever has been levelled against Chintu Tiwary, the said Chintu Tiwary has already surrendered and is behind the bar. It is also submitted that the petitioners undertake to join investigation and in case of any default, the privilege of anticipatory bail can be cancelled.

The learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioners and he submits that the injured himself has named the petitioners as aggressors. It is further submitted that the land is of the informant's side, however, the petitioners went on ploughing the same. Finally it is submitted that in case the petitioners, in future, engage in any kind of overt act as against the informant's side, the informant may be granted liberty to file an application for cancellation of anticipatory bail.

Considering the facts and circumstances of the case as also the fact that the present case appears to be a local feud and the petitioners have a clean antecedent, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within six

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weeks, the petitioners above named are directed to be released on anticipatory bail on furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-cum-Sub-Judge-IV, Jehanabad in connection with Hulasganj PS case no. 124 of 2017, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

It is clarified that in case any such occurrence as alleged is repeated and any police case is lodged by the informant's side, the informant side shall be free to approach this Court for cancellation of bail of the petitioners.

(Mohit Kumar Shah, J)

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