

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58317 of 2018

Arising Out of PS.Case No. -152 Year- 2016 Thana -MOKAMAH District- PATNA

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1. Dina Nath Tiwary, S/o Suresh Tiwari.
 2. Pintu Tiwary @ Vikash Tiwary, S/o Uma Shanker Tiwary, Both are resident of Shankarbar Tola, Maliya Ghat, P.S.- Mokama, District-Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Parmanand Pd. Nr. Sahi, Advocate.

For the Opposite Party : Smt. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-09-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 447, 504, 341, 323, 302/34 of the IPC.

The prosecution story, in brief, is that on 18.08.2016 at about 8.00 A.M. in the morning the petitioners and other co-accused after entering into the house of the informant started abusing and assaulting her husband. The petitioners caught hold the husband of the informant and co-accused Uma Shankar Tiwari started assaulting her husband on his chest and they assaulted him till he became senseless. He was taken to hospital where he died.



It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. No weapon is alleged to have been used in the alleged occurrence. It is alleged that by fists and slaps the deceased was assaulted. The postmortem report indicates that there is no external injury and cause of death is said to be cardiac arrest.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R..

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Barh, in connection with Mokama P.S. Case No. 152 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)