

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3032 of 2018

Arising Out of PS.Case No. -247 Year- 2017 Thana -SAHPUR District- BHOJPUR

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Abhishek Tiwary @ Raj Kumar Tiwary, S/o Sri Kaushal Tiwary @ Munmun Tiwary, resident of Village- Milki Ishwarpura, P.S.- Shahpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Advocate.
Mr. Bijay Shankar Choubey, Advocate
For the informant : Mr. Arun Kumar Pandey, Advocate.
For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 30-04-2018 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner apprehends his arrest in **Shahpur (Karnamepur O.P.) P.S. Case No. 247 of 2017** instituted for the offence under Sections 341, 323, 324, 307, 504, 506/34 and 379 of the Indian Penal Code.

It is alleged that on the date of occurrence the petitioner along with his father and brother were digging the land just behind the house of the informant and on protest by the father of informant namely, Dhananjay Tiwary, the petitioner and other accused persons assaulted him. The petitioner also assaulted the informant with *Khanti*, causing injury on his head.



The injury report of the informant has been enclosed as Annexure-2 which shows that he sustained simple injury on his person.

Learned counsel for the petitioner has submitted that there is case and counter case between the parties. The instant case is counter blast of Shahpur (Karnamepur O.P.) P.S. Case No. 240 of 2017 lodged by mother of the petitioner namely, Vimla Devi, on 7.10.2017. There is delay of four days in lodging the instant First Information Report. The informant and petitioner is *pattidar* and there is land dispute between the parties.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Shahpur (Karnamepur O.P.) P.S. Case No. 247 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Bhojpur, Ara**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having



sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

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(Sanjay Priya, J)

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