

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20179 of 2017

Arising Out of PS.Case No. -3124 Year- 2015 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Vijay Prasad Tiwary, Son of Late Kamleshwar Prasad.
2. Ravi Bhushan Tiwary, Son of Late Raj Kishore Tiwary.
3. Shashi Bhushan Tiwary, Son of Late Raj Kishore Tiwary.
All residents of village- Srikarpur, P.O. Shrikarpur, P.S. Guthani, District
Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ghanshyam Nath Tiwary S/o Late Babu Lal Jee Tiwary. Resident of
Village+ Post- Sikarpur, P.S.- Guthani, District- Siwan.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate.
Mr. Kaushal Kumar Singh, Advocate.
For the opposite party No.2: Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. D.N.Tiwary, Advocate
Mr. R.K. Shrivastava, Advocate.
For the State : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 18-01-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Complaint**
Case No. 3124 of 2015 instituted for the offence under Sections
379, 323, 384 and 34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that

there is land dispute between the parties. There is general and
omnibus allegation against these petitioners.

The cousin uncle of petitioner No. 2 has filed



supplementary affidavit in which he has stated in paragraph-3 that petitioner No. 1 has no criminal antecedents. Petitioner No. 2 has been made accused in four cases out of which he has been acquitted in two case and in one case he has been released on probation bond and in one case he is on bail. Petitioner No. 3 is accused in one case in which he has been acquitted.

Learned counsel for the opposite party No. 2 has appeared and submitted that petitioner No. 2 was convicted and merely to release on Probation of Offenders Act will not absolve from conviction. He has further submitted that there is sufficient material against them in the complaint petition.

In the complaint petition it is alleged that on the date of occurrence, petitioner No. 1 armed with pistol whereas petitioner Nos. 2 and 3 armed with knife gave threat to the complainant and snatched Rs.20,000/-. In the complaint petition, the date of occurrence is said to be 29.11.2015 and the complaint case has been filed on 8.12.2015. The petitioners have mentioned in paragraph-19 of the bail petition that petitioners have filed Title Suit No. 119 of 1929 and Execution Case No. 324/1930-31 and the same was decreed in favour of petitioners and as a retaliation, the instant case has been filed.

This Court from the fact stated in complaint petition



finds that there is land dispute between the parties. There is no allegation of any specific overt act against these petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Complaint Case No. 3124 of 2015**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of **learned Judicial Magistrate, 1st Class, Siwan**, 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bond and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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