

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77225 of 2018

Arising Out of PS. Case No.-281 Year-2018 Thana- PATORI District- Samastipur

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1. Kundan Tivari, Son of Ajay Tivari,
 2. Gaurav Tivari, Son of Late Ram Ekbal Tivari.
 3. Ram Ratan Tivari, Son of Ram Naresh Tivari (which is in correct, Correct fathers name is LATE SUNDER TIVARI)
 4. Mukesh Jha @ Mukesh Kumar Tivari, Son of Ram Naresh Tivari @ Kunmun Tivari @ Kunmun Jha. All the petitioner no. 1 to 4 are resident of Village Shahbpur Undi (Shahpur), P.S. Patori, District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar
For the Opposite Party/s : Mr. Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in connection with Patori P.S. case No.281 of 2018 registered under Sections 307, 323, 324, 342, 357, 379, 504/34 of the Indian Penal Code as well as Sections 185, 188 of the Motor Vehicle Act and Sections 37(B), 37(c) of the Bihar Prohibition and Excise Act, 2016, pending in the court of Additional Sessions Judge 6th-cum-Spl. Judge, Excise, Samastipur.

Allegation is that the accused persons including the petitioners, who were in Scorpio vehicle, came out from Scorpio and started hurling abuses and compelled the informant to sit in



the vehicle with a view to kidnap him. When he tried to escape, the accused persons caused hurt with knife, rod and danda and petitioner No.4 Mukesh Jha snatched Rs.73,200/-, golden chain and mobile and petitioner No.2 Gaurav Tivari caused injury on the victim by knife.

It has been submitted on behalf of the petitioners that the petitioner No.3 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to land dispute. The injury sustained by the victim is said to be simple. Rest of the allegations are superficial in nature.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. and petitioners No.1, 2 and 4 have got criminal antecedents. The petitioner No.4 is alleged to have taken Rs.73,200/- along with golden chain and mobile from the victim. The petitioner No.2 is said to have assaulted with knife upon the victim. The petitioners were trying to abduct the victim in question. In course of occurrence, one of the accused Ajay Jha is said to have apprehended on the spot.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. The



same is rejected.

If the petitioners surrender before the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

Narendra/-

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