

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.111 of 2018

Arising Out of PS.Case No. -773 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

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1. Harendra Tiwari, Son of Shri Kameshwar Tiwari, resident of Village-
Simariya, Police Station- Kochas, District- Rohtas at Sasaram.

... Petitioner/s

Versus

1. The State of Bihar.

2. Sunil Pandey, Son of Ram Pravesh Pandey, resident of Village-
Maricha, P.S.- Mohaniya, District- Kaimur. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dineshwar Pandey

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-03-2018

Heard the learned counsel for the petitioner and

the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with complaint case no. 773 of 2014
registered for the offences punishable under Sections 148,
302, 201/34 of Indian Penal Code.

The allegation is that the deceased Baleshwar
Tiwary, the father-in-law of the complainant/ opposite party
no. 2 Sunil Pandey, had only one daughter namely Sanju Devi
whose marriage was performed with him. Due to their
wedlock, they were two sons. Before four months, Sanju
Devi, the wife of the complainant/ opposite party no. 2 died of
diarrrhoea. The deceased Baleshwar Tiwary used to keep the
wife of the complainant/ opposite party no. 2 and his two sons



with him. The deceased Baleshwar Tiwary expressed his desire to transfer 02 acres 02 decimals land of his share in favour of two sons of the complainant/ opposite party no. 2 but his *pattidars*/ co-accused persons and the petitioner were not ready for the same. In the night of 11.02.2012, the complainant/ opposite party no. 2 along with his two sons and father-in-law Baleshwar Tiwary was present in the house. At that time, the co-accused and the petitioner came there and the petitioner caused injury to the father-in-law of the complainant/ opposite party no. 2 Baleshwar Tiwary through rod near his right eye due to which he fell down. Thereafter, both the co-accused persons also started assaulting and threatening the complainant/ opposite party no. 2 to kill him. On protest made by the complainant/ opposite party no. 2, the accused persons asked him to take Baleshwar Tiwary to Kochas Hospital where the complainant/ opposite party no. 2 also reached but he was referred from there for better treatment.

The learned counsel for the petitioner submits that the deceased Baleshwar Tiwary was the uncle of the petitioner who had one daughter, namely Sanju Devi, whose marriage was performed with the complainant/ opposite party



no. 2 and she died of diarrhoea four months before. Thereafter, the deceased Baleshwar Tiwary also suffered from brain haemorrhage and he was taken to Kochas Hospital by the petitioner and co-accused persons, from where he was referred to Banaras but he died there and his funeral was performed in Banaras in presence of the complainant/ opposite party no. 2. It is further submitted that on the basis of written report of complainant/ opposite party no. 2, Kochas PS case no. 15 of 2012 was instituted on 21.02.2012 in which, on investigation, the final form was submitted by the police. Thereafter, a protest petition was filed by the complainant/ opposite party no. 2, which was treated as complaint case no. 773 of 2014. It is further submitted that co-accused person has already been granted anticipatory bail by this Court by an order dated 01.12.2017 passed in Cr.Misc. no. 55971 of 2017.

Having regard to the facts and circumstances of the case, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court



below within a period of six weeks from the date of receipt/
production of a copy of this order, is directed to be released
on anticipatory bail on furnishing bail bond of Rs. 10,000/-
(Rs. Ten thousand) with two sureties of the like amount each
to the satisfaction of Additional Chief Judicial Magistrate-I
Sasaram at Rohtas in connection with complaint case no. 773 of
2014 subject to the conditions as laid down under Section 438(2)
of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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