

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67870 of 2018

Arising Out of PS. Case No.-773 Year-2016 Thana- MOTIHARI TOWN District- East
Champaran

Navneet Tiwari @ Navneet Kumar, Son of Surendra Tiwari, Resident of
Village- Ekauna, Chandmari, P.S.- Town, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Binod Kumar 3, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 307, 323, 324, 341,
354, 379, 448 and 504/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 26.11.2016 submitted by Sabita Devi to the Station
House Officer, Town Police Station is to the effect that on
25.11.2016 at 7.30 P.M., the informant's brother-in-law (Devar)
Prabhat Kumar Tiwari, nephew, Anshu Kumar Tiwari and
Navneet Tiwari, the petitioner came and knocked the door of the
room of the informant and thereafter co-accused, Prabhat Kumar
Tiwari forcibly entered into the house and tried to ravish the
informant. On protest being made by the informant, he pushed
down the informant on the ground by catching hold her hair, as



a result, the informant got naked, thereafter, the accused persons assaulted her with an iron rod. It is further alleged that when the informant informed her husband about the occurrence and when her husband came, then informant's nephew Anshu Kumar Tiwari caught hold her husband whereupon, co-accused, Prabhat Kumar Tiwari and the petitioner assaulted her husband with an iron rod.

It is submitted by learned counsel for the petitioner that the petitioner is the nephew of the informant and in the background of land dispute, the accusation has been levelled against the petitioner. It is further submitted that for the occurrence of 25.11.2016 at 7.30 P.M., the FIR has been registered on 26.11.2016 at 7.45. P.M., which reached to the Court of learned CJM on 28.11.2016, i.e., two days after the occurrence, which clouds the bona fide of the accusation itself. Moreover, the impugned order does not suggest that any grievous injury has been caused to anyone. It is further submitted that the thrust of accusation is against co-accused, Prabhat Kumar Tiwari. Though a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, but a supplementary affidavit dated 17.12.2018 has been filed by learned counsel for the petitioner to the effect that apart from the present case, the petitioner is also accused in one another case,



being Motihari (T) P.S. Case No. 446 of 2017.

Learned counsel for the petitioner is permitted to make necessary correction in paragraph no. 3 of the main petition.

It is submitted by learned APP for the State that there is specific accusation against the petitioner in the FIR.

Considering the thrust of accusation against co-accused, Prabhat Kumar Tiwari, the impugned order does not suggest any grievous injury caused to the husband of the informant whom the petitioner is alleged to have assaulted, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, East Champaran at Motihari in connection with Motihari Town P.S. Case No.773 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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