

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12527 of 2019**

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

=====

PRABHAT KUMAR TIWARI S/o Nagendra Tiwari R/o Village- Akauna
Chandmari, P.S.- Motihari Nagar, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mr.Shailendra Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 3.12.2018 in
a case registered for the offences punishable under Sections
448,341,323,324,307,354,379 and 504/34 of the I.P.C.

The prosecution case as per the written report of Savita
Devi submitted to the SHO, Motihari Town Police Station is to
the effect that on 25.11.2016 at 7.30 P.M., the informant's
brother-in-law (Debar) (the petitioner), nephew Anshu Kumar
Tiwari and Navneet Tiwari came and knocked the door of the
room of the informant and thereafter the petitioner forcibly
entered into the room and tried to misbehave. On protest being
made by the informant, the accused persons pushed her on the
ground, as a result the informant got unconscious. It is further



alleged that the informant informed her husband about the occurrence and on his arrival, he was also assaulted by co-accused Anshu Kumar Tiwari, thereafter the petitioner and co-accused Navneet Tiwari assaulted the husband of the informant.

It is submitted by learned counsel for the petitioner that the petitioner is the brother of the husband of the informant and in the background of land dispute the accusation has been levelled. It is further submitted that for the occurrence of 25.11.2016 at 7.30 P.M., the FIR was registered on 26.11.2016 at 7.45 P.M., which reached to the Court of the learned CJM on 28.11.2016, i.e. after two days, which clouds the bonafide of the accusation. Moreover, the impugned order does not suggest that any grievous injury has been caused to anyone. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioner in the FIR.

Considering the fact that the accusation has been levelled in the background of land dispute, the injury being found to be simple and the period under custody, let the petitioner above named be released on bail 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, Motihari in connection with Motihari Town P.S.
Case No.773 of 2016.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

