

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12129 of 2019

Arising Out of PS. Case No.-322 Year-2018 Thana- GOVINDGANJ District- East
Champaran

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1. Chinta Tiwari @ Jaynarayan Tiwari Son of Late Bhuvneshwar Tiwari @ Bhupneshwar Tiwari, Resident of Village - Babhanauli, P.S.- Govindganj, District - East Champaran.
 2. Shailendra Tiwari Son of Chandra Kishore Tiwari Resident of Village - Babhanauli, P.S.- Govindganj, District - East Champaran.
 3. Sanjeet Tiwari @ Sanjeet Kumar Tiwari Son of Chinta Tiwari, Resident of Village - Babhanauli, P.S.- Govindganj, District - East Champaran.
 4. Anil Tiwari @ Anil Kumar Tiwari Son of Chandra Kishore Tiwari, Resident of Village - Babhanauli, P.S.- Govindganj, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-02-2019 Heard both sides.

The petitioners apprehend their arrest in Govindganj P.S. Case No.322 of 2018 registered under Sections 341, 323, 325, 307 and 34 of the Indian Penal Code.

The informant alleged that his son Prince Kumar was putting Naad at his door but Chinta Tiwari (petitioner no.1) broke the Naad (pot for feeding animals). On protest, Chinta Tiwari assaulted his son Prince Kumar causing fracture injury on his hand. It is alleged that Anil Tiwari, Shailendra Tiwari, Narendra Tiwari, Sanjeet Tiwari having armed with different



weapons came and assaulted the informant and his family members.

Learned counsel for the petitioners submits that there is counter version being Govindganj P.S. Case No.321 of 2018 registered on the basis of fardbeyan of Chandra Kishore Tiwari. The occurrence took place due to putting a Naad on the road leading to the house of the petitioners. There was a panchayati between two sides and it was resolved that six feet land shall be left for egress and ingress of both sides but the son of informant forcibly put a Naad on the road side. It is submitted that all the injured got simple injury save and except Sanjay Tiwari (informant) who was advised for x-ray and the opinion was kept reserved but no x-ray report was produced and opinion is still awaiting. From the side of the petitioners also many persons were injured.

Having considered the fact that the occurrence took place on account of encroachment of path way leading to their house and both sides sustained injury and lodged case and counter case but the injured got simple injuries, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to



be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Govindganj P.S. Case No.322 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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