

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22517 of 2019

Arising Out of PS. Case No.-103 Year-2018 Thana- MUFFASIL District- West Champaran

1. AWADH KISHORE TIWARY @ AWADHESH TIWARY Son of Late Jai Shankar Tiwary Resident of Village- Barwat Pasrain, P.S.- Bettiah Muffasil, District- West Champaran.
2. Sandeep Tiwary Son of Awadh Kishore Tiwary Resident of Village- Barwat Pasrain, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 16-07-2019 No one appears for the petitioners. Learned APP for the State is present.

The petitioners in the present case are seeking anticipatory bail in connection with Bettiah Muffasil P.S. Case No. 103 of 2018 registered for the offences punishable under Sections 324, 307, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

This Court has gone through the materials available on the record. As per the first information report, when the younger brother of the informant was coming on the motorcycle from his house to Bettiah, he was intercepted on his way by the criminals who were already waiting there and started indiscriminate firing on his brother as a result whereof his



brother fell down. In the later part of the first information report the informant has alleged that the 7 named accused persons including these two petitioners had conspired to kill his younger brother because he was the informant of Bettiah (Muffasil) P.S. Case No. 492 of 2017 and despite insistence from the accused persons he was not ready for compromise.

Learned APP has perused the case diary and submits that there is allegation that the petitioner no. 1 is the order giver whereas the other named accused persons had participated in the alleged occurrence. On perusal of paragraph 3 of the application it also appears that these petitioners have got criminal antecedent.

In the given facts and circumstances of the case, this Court is not inclined to extend the privilege of anticipatory bail to the petitioners. The prayer is refused.

In case the petitioners surrender before the court below within a period of four weeks from today and pray for regular bail, their prayer of regular bail will be considered on its own merit without being prejudiced by this order.

(Rajeev Ranjan Prasad, J)

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