

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1206 of 2019

Arising Out of PS. Case No.-446 Year-2017 Thana- MOTIHARI TOWN District- East Champaran

NAVNEET TIWARI @ NAVNEET KUMAR @ NAVNIT KUMAR
TIWARY Son of Surendra Tiwari, Resident of village- Ashok Pakari, P.S.-
Piprakothi, District- East Champaran. At present Chandmari, Town Police
Station, East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Sri Abhay Kumar - 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-01-2019 Heard the parties.

The petitioner is apprehending his arrest in connection with Motihari Town P.S.Case no.446 of 2017 registered for offences punishable under Sections 341, 323, 325, 307, 308/34 of the Indian Penal Code.

Allegation against the petitioner and other accused persons is that *Dewar, Sasur, Jethani* and their son came and abused him and one Prabhat Kumar Tiwari assaulted his sole son by *rod* and when he came to save him, Nagendra Tiwari assaulted by *Farsa* on head causing injury and when her daughter came to save him, they were also assaulted by the petitioner and other accused persons and due to that his son died.

Submission of the learned counsel for the petitioner is that earlier a case had been lodged under Section 307 of the



IPC and later on Section 302 was also added. So far allegation of assault is concerned, there is no allegation against the petitioner and there is omnibus and general allegation against the petitioner and other accused persons of assault to the girl.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that the petitioner has criminal antecedent. He has further stated that the petitioner is accused in three other cases but he has mentioned only about only one case.

Having heard both sides and in view of the facts and circumstances and considering the conduct of the petitioner, I am not inclined to grant anticipatory bail to the petitioner rather let the petitioner surrender before the learned court below within a period of six weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below without being prejudiced by the order of this Court.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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