

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48996 of 2019

Arising Out of PS. Case No.-344 Year-2018 Thana- SIKARPUR District- West Champaran

1) DHANANJAY TIWARI @ DHANANJAY KUMAR TIWARI, aged about 50 years, Male, son of Fulena Tiwari,
2) Manjay Tiwari, aged about 52 years, Male, son of Fulena Tiwari
3) Shalu Devi, aged about 25 years, Female, wife of late Pawan Kumar Pandey @ Pawan Kumar Tiwari
All resident of village- Dhumnagar Matiyaria, P.S. Shikarpur, District, West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 149, 302, 341 and 342 of the Indian Penal Code.

Informant has alleged that he had married his son on 23.4.2017 with Shalu Devi (petitioner no.3) who used to abuse him and his wife. On 27.05.2018 Shalu Devi went to her parents' house and on 30.05.2018 she called son of informant and all accused persons assaulted him badly. On 31.05.2018, he was informed that his son was admitted at Gorakhpur hospital and after receiving the same, he along with his wife went there



and saw that his son was admitted in the hospital. For better treatment, informant admitted his son at Safadarjung Hospital, New Delhi where he died during treatment.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case in order to deprive the petitioner no.3 from her rights in her husband's property. It has further been submitted that son of the informant was mentally ill and he was under treatment of Dr. C. K. Rastogi at Gorakhpur. It has further been submitted that date of alleged occurrence is of 07.06.2018 and complaint was filed after delay of more than two months on 31.08.2018. In inquest report injuries sustained has been stated to be from falling from train. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below in connection with Shikarpur P.S. Case No.344 of 2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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