

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60765 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- PAHARPUR District- East Champaran

1. Rameshwar Tiwari aged about 58 years (Male), Son of Late Ganesh Tiwari, Resident of Village - Noneya Tiwari Tola, P.S.- Paharpur, Dist.- East Champaran.
2. Ravi Raushan Tiwari @ Ravi Raushan Kumar Tiwari aged about 27 years (Male), Son of Rameshwar Tiwari, Resident of Village - Noneya Tiwari Tola, P.S.- Paharpur, Dist.- East Champaran.
3. Shambhu Nath Tiwari aged about 45 years (Male), Son of Late Ram Chandra Tiwari, Resident of Village - Noneya Tiwari Tola, P.S.- Paharpur, Dist.- East Champaran.
4. Munna Tiwari aged about 43 years (Male), Son of Adalat Tiwari, Resident of Village - Noneya Tiwari Tola, P.S.- Paharpur, Dist.- East Champaran.
5. Sachchidnand Tiwari aged about 48 years (Male), Son of Adalat Tiwari, Resident of Village - Noneya Tiwari Tola, P.S.- Paharpur, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Paharpur P.S. Case No. 116 of 2019 registered under sections 341, 323, 324, 307, 504 and 506 of the IPC.

The allegation against the petitioners, as per the first information report, is that while the informant was sitting in front of his house, the petitioner along with other accused persons arrived at the house of the petitioner and upon order



given by the petitioner no. 1, the petitioner no. 2 assaulted the informant by means of *farsa* on his head and the petitioner no. 3 assaulted the informant by means of *lathi*, the petitioner no. 4 assaulted the nephew of the informant by means of *fattha* and the petitioner no. 5 assaulted the informant with *lathi*.

Learned counsel appearing for the petitioners submits that both the parties are next door neighbours and there is a land dispute between them. Learned counsel further submits that prior to the present occurrence, side of the petitioner no. 1 has lodged Paharpur P.S. Case No. 107 of 2019 against the informant and others in which the side of the petitioners have also got injuries. Learned counsel referring to the injury report which is Annexure-3 in this petition submits that injury caused to the informant as well as the nephew of the informant are simple in nature except one injury in the finger of the informant is grievous which is not on the vital part of the body.

Having regard the submission made by the parties and taking into consideration the fact that both the parties are neighbours and there is a case and counter case between the parties and land dispute is also there between them, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, the petitioners, above named, in the



event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Motihari East Champaran at Motihari in connection with Paharpur P.S. Case No. 116 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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