

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66877 of 2019

Arising Out of PS. Case No.-508 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

ARVIND TIWARI Son of Late Yamuna Tiwari Resident of Village - Parasiya,
P.S.- Bhabua, Dist.- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil, Adv.
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 354, 307 and 34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Akchaivar Nath Tiwari submitted before the Station House Officer, Bhabua Police Station is to the effect that on the date of occurrence, i.e., 24.08.2019 at about 10.00 A.M., when the informant went outside of his house, somebody pushed him from behind, as a result of which, he fell down and in the meantime, the petitioner and others assaulted him. It is specifically alleged that the petitioner started strangulating the informant and when the wife and daughter of the informant



came to rescue, they were also assaulted by the accused persons, including the petitioner.

It is submitted by learned counsel for the petitioner that the the petitioner is the agnate of the informant and in the background of land dispute, the accusation has been levelled against the petitioner. It is further submitted that except one grievous injury on the wife of the informant which is fracture of forearm, other injuries have been found simple in nature. The accusation is omnibus and general and no specific date of occurrence has been mentioned. It is further submitted that in fact, the father of the petitioner died on 20.08.2019 and the petitioner and his family members were engaged in the last rites of his father. Moreover, similarly situated co-accused, Ambar Tiwari has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 06.11.2019, passed in Criminal Miscellaneous No. 65342 of 2019, whereas co-accused, Shashikant Tiwary has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 04.11.2019, passed in Criminal Miscellaneous No.65913 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the



petitioner is named in the FIR with specific accusation.

Considering the accusation being omnibus and general and similarly situated co-accused being granted anticipatory bail by a Co-ordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Kaimur (Bhabua) in connection with Bhabua P.S. Case No.508 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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