

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80940 of 2019

Arising Out of PS. Case No.-185 Year-2018 Thana- SUGAULI District- East Champaran

1. Tutu Tiwari Son of Bratdeo Tiwari Resident of Village- Kurma Tola, Police Station- Sugauli, District- East Champaran.
2. Ram Babu Tiwary Son of Balbhadra Tiwary Resident of Village- Kurma Tola, Police Station- Sugauli, District- East Champaran
3. Shyam Babu Tiwary Son of Balbhadra Tiwary Resident of Village- Kurma Tola, Police Station- Sugauli, District- East Champaran
4. Prem Tiwary Son of Satyadeo Tiwary Resident of Village- Kurma Tola, Police Station- Sugauli, District- East Champaran
5. Raju Tiwary Son of Satyadeo Tiwary Resident of Village- Kurma Tola, Police Station- Sugauli, District- East Champaran
6. Umesh Tiwary Son of Banshidhar Tiwary Resident of Village- Kurma Tola, Police Station- Sugauli, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking anticipatory bail in connection with Sugauli P.S. Case No. 185 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 436, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the



entire allegation levelled against the petitioners is false and concocted. There is a land dispute between the parties. The present case is counter version of Sugauli P.S. Case No. 186 of 2018 and the informant has lodged the present case on instance of accused of Sugauli P.S. Case No. 186 of 2018. Learned counsel further submits that the co-accused from the other side in the present case have been granted privilege of anticipatory bail by the learned Co-ordinate Bench of this Court in Cr. Misc. No. 7440 of 2019 and Cr. Misc. No. 18168 of 2019 and prior to the present case there was no criminal antecedent of the petitioners.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of this case, wherein it is the submission of learned counsel for the petitioners that from a bare reading of the FIR it would appear that both the parties had been fighting over a land dispute in which no injury has been sustained by any of the parties and that the co-accused from the other side in the present case have been granted privilege of anticipatory bail by the learned Co-ordinate Bench of this Court in Cr. Misc. No. 7440 of 2019 and Cr. Misc. No. 18168 of 2019 and prior to the present case there was no



criminal antecedent of the petitioners, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Sugauli P.S. Case No. 185 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/ved

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