

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21616 of 2020

Arising Out of P.S. Case No.-399 Year-2019 Thana- Sikarpur District- West Champaran

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1. Shambhu Tiwari @ Shambhu Nath Tiwari, son of Janardan Tiwary
 2. Vikas Tiwari @ Dittu Tiwari @ Vikas Kumar Tiwari, son of Shmbhu Nath Tiwari
 3. Deepak Tiwari @ Nippu Tiwari, son of Shambhu Nath Tiwari
 4. Triloki Tiwari, son of Late Nathuni Tiwari
 5. Nitesh Tiwari @ Nitesh Kumar, son of Ajit Tiwary @ Pintu Tiwary
 6. Raushan Tiwari @ Raushan Kumar Tiwari, son of Vikash Tiwary @ Dittu Tiwary

All are residents of Village D.K. Sikarpur, P.S. Sikarpur, District West Champaran at Bettiah.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ambuj Nayan Chaubey
For the Opposite Party : Mr. Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-08-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Sikarpur P.S. Case No. 399 of 2019, disclosing the offence punishable under Section 307 and other allied Sections of the Indian Penal Code.

Briefly narrated the case of the prosecution, as disclosed in the FIR, is that the informant was surrounded by the persons named in the FIR because of previous enmity and was



assaulted with *lathi* and iron rod. There is allegation against petitioner no. 2 of having snatched a sum of Rs. 16,000/- from the informant's pocket. There is allegation against petitioner no. 5 of having given a blow with a sword in the informant's head. So far other persons named in the FIR including these petitioners are concerned, the allegation is general and omnibus.

Learned counsel appearing on behalf of the petitioners has submitted with reference to the averment made in paragraph 8 of the application that there is admitted land dispute between the two families and son of petitioner no. 1 has lodged a counter-case against the informant and his family members, which has been registered as Sikarpur P.S. Case No. 400 of 2019, for assaulting his grandson. The allegation of snatching of cash from the informant's pocket is cosmetic in nature only for the purpose of adding gravity to the prosecution story. He has also argued that the injury on the person of the informant has been found to be simple in nature caused by sharp cut substance.

Considering the aforesaid fact, on perusing the First Information Report, I find substance in submission made on behalf of the petitioners. This application is accordingly allowed.



Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah, in Sikarpur P.S. Case No. 399 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/ Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is also indicated that defects, if any, shall be removed within two months from today.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be



transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

Rajesh/-

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