

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22143 of 2020

Arising Out of PS. Case No.-568 Year-2019 Thana- AMARPUR District- Banka

1. HEERA TATWA S/o Anil Tatwa Resident of Village- Makduma, P.S.- Amarpur, Distt- Banka.
2. Pawan Tatwa S/o Anil Tatwa Resident of Village- Makduma, P.S.- Amarpur, Distt- Banka.
3. Anil Tatwa s/o Late Nago Tatwa Resident of Village- Makduma, P.S.- Amarpur, Distt- Banka.
4. Sukha Tatwa S/o Akko Tatwa Resident of Village- Makduma, P.S.- Amarpur, Distt- Banka.
5. Anant Tatwa S/o Akko Tatwa Resident of Village- Makduma, P.S.- Amarpur, Distt- Banka.
6. Akko Tatwa S/o Late Nago Tatwa Resident of Village- Makduma, P.S.- Amarpur, Distt- Banka.
7. Manna Tatava @ Manahay Tatwa S/o Late Umesh Tatwa Resident of Village- Makduma, P.S.- Amarpur, Distt- Banka.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Ajay Mukherjee, Advocate.
For the State	:	Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 17-09-2020 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 10.07.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.



At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.6, namely, Akko Tatwa, has already been arrested by the police in this case and seeks permission to withdraw this application in respect of the petitioner no.6, namely, Akko Tatwa.

Permission is accorded.

This application in respect of the petitioner no.6, namely, Akko Tatwa, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1, 2, 3, 4, 5, and 7, namely, Heera Tatwa, Pawan Tatwa, Anil Tatwa, Sukha Tatwa, Anant Tatwa and Manna Tatwa alias Manahay Tatwa, respectively, for grant of privilege of pre-arrest bail is being considered.

Heard learned counsel for the petitioner nos.1, 2, 3, 4, 5 and 7 and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.1, 2, 3, 4, 5 and 7, above named, apprehend their arrest in connection with Amarpur P.S. Case No.568 of 2019 registered under Sections 341, 323, 325, 307, 447, 504 and 506/34 of the Indian Penal Code.

The accusation is that in the morning of 06.11.2019, 7 persons, named in the F.I.R., including the petitioner nos.1, 2, 3,



4, 5 and 7 were engaged in crossing the tractor through the ploughed field of the informant Vinay Tatwa. When the informant made protest, then he was abused and assaulted by the petitioner nos.1, 2, 3, 4, 5 and 7 through lathi and danda, due to which the informant sustained grievous injuries on his head and hand. On hearing 'Hullah', when Badri Tatwa and Lalu Tatwa, the brothers of the informant, rushed there to pacify the matter, then they were also assaulted by the petitioner nos.1, 2, 3, 4, 5 and 7.

Learned counsel for the petitioner nos.1, 2, 3, 4, 5 and 7 submits that while the petitioner nos.1, 2, 3, 4, 5 and 7 are named in the F.I.R. but there is general and omnibus allegation against them to cause assault to the informant and his brothers. Moreso, only two injuries were found on the person of the informant and, initially, the doctor gave his opinion regarding the nature of the injury no.1, which was lacerated wound on scalp, simple in nature, keeping the opinion reserved regarding the nature of the injury no.2, which was swelling with tenderness over left hand but, later on, that injury was also found simple in nature. The petitioner nos.1, 2, 3, 4, 5, and 7 have no criminal antecedents.

Having considered the facts and the circumstances of



the case, let the petitioner nos.1, 2, 3, 4, 5 and 7, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No.568 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

