

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31827 of 2021**

Arising Out of PS. Case No.-348 Year-2020 Thana- PIPRA District- East Champaran

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1. Kamlakar Tiwari Son of Late Jaganand Tiwari Resident of Village- Harnarayna, P.S.- Pipra, District- East Champaran.
  2. Lalan Tiwari Son of Kamlakar Tiwari Resident of Village- Harnarayna, P.S.- Pipra, District- East Champaran.
  3. Shardha Devi @ Sharda Devi Wife of Lalan Tiwari Resident of Village- Harnarayna, P.S.- Pipra, District- East Champaran.
  4. Amit Tiwari Son of Lalan Tiwari Resident of Village- Harnarayna, P.S.- Pipra, District- East Champaran.
  5. Kiran Kumari Daughter of Lalan Tiwari Resident of Village- Harnarayna, P.S.- Pipra, District- East Champaran.
  6. Rani Kumari Daughter of Lalan Tiwari Resident of Village- Harnarayna, P.S.- Pipra, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party : Mr. G.S.Gupta, Addl Public Prosecutor  
M. U Kr.Singh, Advocate (informant)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      21-10-2021                      Heard learned counsel for the petitioners, the State and the informant.

Petitioners seek bail in a case registered for the offence punishable under sections 341, 323, 307, 354, 447, 448, 302/34 of the Indian Penal Code.



As per the prosecution case, while the petitioners' side was getting their home repaired/constructed, some bricks fell on the informant's door and when the informant asked the labourers to take care, all the accused persons, armed with lathi and danda started assaulting the sister of the informant by dragging her out of the house. Accused persons also assaulted the informant and her husband, who died during course of treatment.

Learned counsel for the petitioners submits that the petitioners' house is situated 20/25 feet away from the house of the informant, as such, allegation of falling of bricks on the doors of the informant is false and concocted. Parties are agnate and there is land dispute between them due to which all the family members have been roped in the case. More so, informant's husband was a chronic heart patient and he died due to cardiac arrest. There is general and omnibus allegation of assault against all the accused persons and no specific overt has been alleged against the petitioners. The doctor in the post mortem report (Annexure 2) has not found any injury on the person of the deceased. He has opined that the victim died of rupture of heart due to undelivered heart disease. Petitioners are in custody since 20.11.2020. Charge sheet has already been



submitted.

Learned counsel appearing for the State and the informant oppose the prayer for bail and submit that there is specific allegation against the petitioners of assaulting the informant's side as a result of which her husband sustained injuries and succumbed to the said injuries. Cognizance has also been taken for the offence punishable under sections 341, 323, 307, 354, 447,448/34, 302 IPC.

Considering the rival submissions of the parties, the materials available on the record, the post mortem report of deceased which opines that there was no injury on the body of the deceased, let all the six petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari in Pipra Police Station Case No. 348 of 2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Prabhat Kumar Singh, J)**

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