

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42006 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- NAANPUR District- Sitamarhi

VIJAY TIWARY @ VIBHAY TIWARY S/o Laxman Tiwari Resident of
Village - Ukhra, P.S. - Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Mallika Mazumdar, Adv.
For the Informant	:	Mr. Praveen Kumar, Adv.
For the State	:	APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-12-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that while she was constructing her house under the Indira Awas Scheme, the six named accused persons came there and the petitioner struck the informant with an iron rod and Satyam Tiwari assaulted the informant with a kudali on her leg as a result of which she fell down unconscious.

It is submitted by learned counsel for the petitioner that the informant happens to be the sister-in-law of the petitioner. There is family dispute between the parties relating to



joint family property and for the same Partition Suit no.119 of 2003 was filed which ended into a compromise. Nanpur P.S. Case no.133 of 2003 was lodged by the petitioner against the informant which after submission of chargesheet is now pending for evidence and it is as a counter blast to the same and to pressurize the informant therein that the instant case has been lodged. Further referring to the injury report of the informant which has been mentioned in the order of the learned court below, it is submitted that grievous injury is on the non vital part of the body and even as per the F.I.R., the same is not attributed to this petitioner but to co-accused Satyam Tiwari. The petitioner is in custody since 2.3.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having brutally assaulted with an iron rod on the head of the informant leading to grievous injuries. It is prayed that the bail be rejected.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the submissions



made on behalf of the petitioner, the period in custody and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Nanpur P.S. Case no.37 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi.

(Partha Sarthy, J)

Saurabh/-

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

