

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36056 of 2020

Arising Out of PS. Case No.-262 Year-2019 Thana- PHULWARIYA District- Gopalganj

1. Dhanu Tiwari alias Amarjeet Tiwari, Son of Ramesh Tiwari Resident of village Dubey Batraha, P.S. - Phulwariya, District- Gopalganj.
2. Chandramani Tiwari Son of Ramesh Tiwari Resident of village Dubey Batraha, P.S. - Phulwariya, District- Gopalganj.
3. Vikash Tiwari Son of Ramesh Tiwari Resident of village Dubey Batraha, P.S. - Phulwariya, District- Gopalganj.
4. Rahul Tiwari Son of Ramesh Tiwari Resident of village Dubey Batraha, P.S. - Phulwariya, District- Gopalganj.
5. Ramesh Tiwari Son of Ram Janak Tiwari Resident of village Dubey Batraha, P.S. - Phulwariya, District- Gopalganj.
6. Dipu Tiwari Son of Dhrupdev Tiwari Resident of village Dubey Batraha, P.S. - Phulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 24-05-2021 Heard Mr. Indrajeet Bhushan, learned counsel

for the petitioners; Mr. Shiv Sager Sharma, learned

counsel for the informant; and Mr. Surendra Kumar,

learned APP for the State.

The petitioners seek bail in anticipation of their

arrest in connection with Phulwariya P. S. Case No. 262

of 2019, instituted for the offences under Sections 147,

148, 149 427, 323, 324, 307 and 504 of the Indian



Penal Code.

There is specific accusation against petitioner nos. 1 and 5 of assaulting the sons of the informant, namely, Shashi Kant Tiwari and Tarkeshwar Tiwari. The other petitioners also are said to have stabbed the aforesaid two persons, who are undergoing treatment.

The learned counsel for the petitioners has submitted that the husband of the informant had earlier filed seven cases against the petitioners but when petitioners were granted bail in all those cases, this case has been lodged after a delay of 25 days of the occurrence. The occurrence is said to have taken place on 18.11.2019 but the case has been lodged on 13.12.2019.

Mr. Shiv Sager Sharma, learned counsel for the informant, however, has submitted that all the accused persons have assaulted the victim and it is quite fortuitous that the victim has survived.

Regard being had to the entirety of facts, the



application for bail of petitioners no. 1 and 5, namely, Dhanu Tiwari @ Amarjeet Tiwari and Ramesh Tiwari, are, hereby, rejected.

The petitioner nos. 2, 3, 4 and 6, namely, Chandramani Tiwari, Vikash Tiwari, Rahul Tiwari and Dipu Tiwari are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Rajeev Pandey, J.M. 1st Class, Gopalganj, in connection with Phulwariya P. S. Case No. 262 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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