

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38715 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- MAHARAJGANJ District- Siwan

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ROHIT TIWARI @ RUDAL TIWARI Son of Bijendra Tiwari Resident of
Village- Madhopur, P.S.- G.B. Nagar (Tarwara), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Sinha

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-11-2021 Heard learned counsel for the petitioner and learned APP for
the State.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of eight
weeks.

The petitioner is apprehending his arrest in a case registered
under Sections 341, 323, 324, 325, 307, 34 of the Indian Penal Code
and 27 of the Arms Act.

Allegedly, while the informant's son was returning from
coaching centre, one Rohit Tiwary @ Rubal and others encircled him
and started assaulting. Seeing the informant coming towards, the
accused persons fled away. It is further alleged that in the second
episode, the accused persons having armed with lathi, Fatta, started
assaulting one Ajeet as a result of which, the hand of Ajeet was
broken. Firing was also made.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The allegation of firing upon the victim Kavindra is denied by the petitioner. The petitioner had no intention to commit murder of the victim. At best, it is a case under Section 325 of the Indian Penal Code.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R. There is specific allegation of assault alleged against the petitioner. The nature of injury is said to be grievous.

Considering the aforesaid facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is rejected.

In case, the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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