

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15514 of 2022

Arising Out of PS. Case No.-455 Year-2021 Thana- BIKRAMGANJ District- Rohtas

1. RAMA SHANKAR TIWARY Son of Late Girja Nand Tiwary Resident of Village - Indrath (Khurd), P.S.- Bikramganj, District - Rohtas.
2. UMA SHANKAR TIWARY Son of Late Girja Nand Tiwary Resident of Village - Indrath (Khurd), P.S.- Bikramganj, District - Rohtas.
3. MANOJ TIWARY son of Late Bishwanath Tiwary Resident of Village - Indrath (Khurd), P.S.- Bikramganj, District - Rohtas.
4. AKHILESH TIWARY Son of Late Bishwanath Tiwary Resident of Village - Indrath (Khurd), P.S.- Bikramganj, District - Rohtas.
5. JHARIMAN TIWARY Son of Late Bishwanath Tiwary Resident of Village - Indrath (Khurd), P.S.- Bikramganj, District - Rohtas.
6. KRISHNA MISHRA @ KRISHNAND MISHRA Son of Late Paras Nath Mishra Resident of Village - Indrath (Khurd), P.S.- Bikramganj, District - Rohtas.
7. RAJESHWAR MISHRA Son of Late Paras Nath Mishra Resident of Village - Indrath (Khurd), P.S.- Bikramganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner nos. 1 and 6 as they have been arrested during pendency of the present anticipatory bail application.

Permission is accorded.

The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 385, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that on 13.12.2021 all the 11 accused persons, including the petitioners, came variously armed at her field and started ploughing the same with tractor to which the husband of the informant objected, it is next alleged that all the accused persons with their arms repeatedly assaulted by which six victims were injured and even fired in the air, it is further alleged that the accused persons also asked for extortion of Rs. 25,00,000/- in lieu of the said land or they would be killed.

Learned counsel for the petitioners submits that admittedly petitioners are not criminals, the present occurrence took place on account of dispute relating to land. Learned counsel further submits that the land which the informant is claiming to be hers was purchased by the side of the petitioner from the land owners, it is thus submitted that petitioner is claiming the land as their and the informant is claiming that the land belongs to her and her family members, it is also submitted that there is no specific allegation of assault against any of the petitioners rather the allegation of assault is general and omnibus in nature, it is also submitted that two persons have suffered grievous injuries but one injured has grievous injury on his right



finger and one injured has grievous injury near his cheek. Learned counsel next submits that from the side of the petitioners also Bikramganj P.S. Case No. 451 of 2021 was instituted and thus the present case came to be instituted by a way of a counter blast, it is also submitted that from the side of the petitioners even injured suffered injuries though they are simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 2, 3, 4, 5 and 7, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bikramganj P.S. Case No. 455 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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