

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19308 of 2022

Arising Out of PS. Case No.-337 Year-2021 Thana- SAHPUR District- Bhojpur

1. DADAN TIWARY S/o Late Angrahit Tiwary Resident of Village- Belauti, P.S.- Shahpur, District- Bhojpur.
2. Gopal Tiwary @ Girdhari Tiwary S/o Dadan Tiwary Resident of Village- Belauti, P.S.- Shahpur, District- Bhojpur.
3. Kalyan Tiwary S/o Dadan Tiwary Resident of Village- Belauti, P.S.- Shahpur, District- Bhojpur.
4. Gunjan Tiwary S/o Dadan Tiwary Resident of Village- Belauti, P.S.- Shahpur, District- Bhojpur.
5. Mithilesh Tiwary S/o Dadan Tiwary Resident of Village- Belauti, P.S.- Shahpur, District- Bhojpur.
6. Munna Tiwary Son of Dadan Tiwary Resident of Village- Belauti, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners seeks permission to withdraw this application as against the



petitioner nos. 2 and 5, as they have been apprehended by the police during pendency of this application.

Accordingly, this application with regard to petitioner nos.2 and 5 is dismissed as withdrawn.

Now, it is being heard for consideration of anticipatory bail on behalf of petitioner nos.1, 3, 4 and 6.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 307, 506 of the Indian Penal Code.

Allegedly, all the FIR named accused persons including the petitioners armed variously came at the field of the informant and attacked upon the informant's side, due to which they sustained injury.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that there is an admitted land dispute between the parties and a Title Suit No.197/2017 is pending between them in the Court below. It further submitted that in the alleged occurrence, both sides have



sustained injuries, for which there is a case and counter-case between the parties. Petitioners have seven criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature and there is admitted land dispute between the parties, let the above named petitioner nos.1, 3, 4 and 6, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Shahpur P.S. Case No.337 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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