

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35119 of 2021**

Arising Out of PS. Case No.-491 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

1. Nawal Kishore Tiwari S/O Late Ram Swaroop Tiwari R/O Village-Bangara Nijamat, P.S-Sahebganj, District-Muzaffarpur.
2. Sachin @ Sachin Tiwari S/O Nawal Kishore Tiwari R/O Village-Bangara Nijamat, P.S-Sahebganj, District-Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Bishweshwar Ram

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 13-06-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 342, 447, 323, 427, 436, 307, 148 of the Indian Penal Code and Sections 25(1-b)a, 26 of the Arms Act.

The learned counsel for the petitioners submits that the petitioner nos.1 has antecedent of two cases, one is of the year 1999 and the other is of the year 2014 and petitioner no.2 has antecedent of one case and both the petitioners are on bail in the aforesaid cases.

The learned counsel for the petitioners further submits



that informant alleges that on 09.09.2020 at about 3.00 P.M., Mintu Tiwary @ Manoj Tiwari came in a drunken state along with six accused persons variously armed with pistol, knife, iron rod at his door and started assaulting as they forcibly wanted to kidnap the grandson of the informant namely, Ritesh Kumar. It is next alleged that on protest by the informant, the accused persons seriously injured, on which the informant raised alarm and also informed the police by phone when in the meantime, the villagers gathered on which the accused persons got perturbed as the villagers started pelting stones in which the accused persons got injured and fell down and one of the accused namely, Mintu Tiwary got injured and he was rushed to the hospital for treatment to Sahebganj. It is next alleged that before the police arrived, the named associates of Mintu Tiwary fled from the place of occurrence. It is next alleged that named accused persons along with wife and mother of Mintu Tiwary and 50-60 unknown persons came to the house of the informant after half an hour variously armed and set ablaze the tractor, motorcycle which was kept in his premises. It is next alleged that the informant along with his family went in hiding.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is



submitted that petitioner no.1 is aged about 72 years. It is next submitted that Sujata Devi, wife of Mintu Tiwary had instituted Sahebganj P. S. Case No.490 of 2020 registered under Section 302 of the I.P.C. wherein it was alleged that her husband was brutally assaulted by the informant and the accused persons named in the said F.I.R. on account of which, he died during the course of treatment. It is next submitted that since the wife of Mintu Tiwary had instituted the aforesaid case, as such, in order to falsely implicated the family members of Mintu Tiwary, the informant instituted the present case against petitioner no.1, who is cousin brother of Mintu Tiwary and petitioner no.2 is nephew of Mintu Tiwary and petitioner no.2 is nephew of Mintu Tiwary so that the family members of Mintu Tiwary does not pursue the case instituted against the informant and others.

The learned counsel for the petitioners further submits that as far as allegation of setting ablaze tractor and motorcycle is concerned, the occurrence took place as the villagers had gathered at the place of occurrence and on seeing that Mintu Tiwary was brutally assaulted from the side of the informant leading to serious injuries, the mob might have committed the occurrence.

The learned Additional Public Prosecutor opposes the



anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners and the fact that the F.I.R. instituted by the informant is subsequent to the F.I.R. instituted by the wife of Mintu Tiwary, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sahebganj P. S. Case No.491 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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