

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45194 of 2022**

Arising Out of PS. Case No.-23 Year-2022 Thana- PIRPAINTI District- Bhagalpur

1. Nakul Tiwary S/O Baijnath Tiwary Resident of Village- Bakharpur, P.S.- Bakharpur, District- Bhagalpur.
2. Rambachan Tiwary S/O Baijnath Tiwary Resident of Village- Bakharpur, P.S.- Bakharpur, District- Bhagalpur.
3. Rajnish Kumar S/O Rambachan Tiwary Resident of Village- Bakharpur, P.S.- Bakharpur, District- Bhagalpur.
4. Ratnesh Kumar Tiwary S/O Rambachan Tiwary Resident of Village- Bakharpur, P.S.- Bakharpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      16-11-2022      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 342, 323, 307 of the Indian Penal Code and Section 37(c) of the Prohibition and Excise Act.

According to prosecution case, as per F.I.R. informant alleging therein that the F.I.R. named accused persons came



armed with Lathi and Rod. Nakul Tiwari gave a blow with rod on the head of the informant due to which he was injured. Rambachan Tiwary also tried to hit the informant on head but the informant escape and the rod hit his shoulder. Rajnish and Ratnesh hit him with Lathi. Allegedly, Kundan Tiwary and Chandan Pandey were inebriated and they also assaulted the informant. When the nephew of the informant Shailesh Tiwary came to save him then the accused also assaulted him. It is further alleged that the reason for the occurrence is that the informant had made an application for valuation of a land.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and the present F.I.R. has been instituted due to land dispute. He further submits that there is allegation against the petitioners is that they have assaulted the informant and his family members but the injuries have found is simple in nature.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or



surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Pirpainti (Bakharpur) P.S. Case No. 23 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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