

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59870 of 2021

Arising Out of PS. Case No.-205 Year-2021 Thana- CHOUTARWA District- West
Champaran

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Amrendra Tiwary, Son of Prasidh Tiwary @ Prasidh Nath Tiwary, Resident of
Village - Raybari Mahuawa, P.s.- Choutarawa, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Choutarwa P.S. Case No. 205 of 2021
registered for the alleged offences under Sections 341, 323, 307,
379, 448, 376, 511 and 504 of the Indian Penal Code.

As per prosecution case, the co-accused Upendra
Tiwari made attempt to rape to minor daughter of the informant.
When informant and his family members resisted his act, the
petitioner and other co-accused persons armed with *lathi* and



iron rod assaulted the informant and his family members.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation against this petitioner. There is land dispute between the parties and co-accused Upendra Tiwari has given information to the police regarding construction of house by the informant over purchased land of co-accused Prasidh Tiwari. The case under Section 448, 379, 376, 511 and 34 of the Indian Penal Code vide Choutarwa P.S. Case No. 209 of 2021 has been registered against the son of the informant and others by one Ajita Devi from the petitioner's side. Charge-sheet has been submitted in this case and the petitioner is in custody since 27.06.2021.

Learned counsel for the informant as well as learned APP opposes the prayer for bail. Learned counsel for the informant submits that the petitioner and other co-accused persons are influential people of the locality and they want to oust the informant from his land and even demolished the wall erected by him on his land. The co-accused made an attempt to rape the minor daughter of the informant and the petitioner helped him by assaulting informant and his family members.

Perused the record.



Having regard to the fact that there is land dispute between the parties and there is no specific allegation against this petitioner for any overt act and further considering the fact that charge-sheet has been submitted in this case and the petitioner is in custody since 27.06.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 7th-cum-Special Judge POCSO, Bettiah, West Champaran in connection with Choutarwa P.S. Case No. 205 of 2021 , subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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