

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54408 of 2022

Arising Out of PS. Case No.-419 Year-2021 Thana- BIHIA District- Bhojpur

RAJESH TIWARY @ MANTU TIWARY, aged about 25 years, Male, Son of
Narad Muni Tiwary, Resident of Village - Sunderpur Barza, P.S.- Bihiya,
District – Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nawnit Kumar Tiwary, Advocate
For the Opposite Party : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-12-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defect (s), as pointed out by the office, within a
period of four weeks.

The petitioner seeks bail in connection with
Bihiya P.S. Case No. 419 of 2021 registered for the offence
under Sections 341, 323, 324, 379, 307, 504 and 506/34 of
the I.P.C.

The prosecution case, in brief, is that the petitioner
alongwith other co-accused persons surrounded the



informant and his uncle and pushed the uncle of the informant and then this petitioner gave knife blow on the head of the informant. Other co-accused person Ajit Tiwari was holding country made pistol and co-accused Surendra Tiwari snatched Rs. 10,000/- from the pocket of the informant's uncle.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.04.2022. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is alleged to have given knife blow upon the informant. Nature of injury has not been disclosed in the injury report. It cannot be ascertained whether the nature of injury is simple or grievous. Hence, it is submitted that in absence of such finding, Section 307 of the I.P.C. is not applicable in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be



released on bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Chief Judicial Magistrate,
Bhojpur, Ara, in connection with Bihiya P.S. Case No. 419
of 2021.

(Sudhir Singh, J)

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