

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62402 of 2022

Arising Out of PS. Case No.-269 Year-2022 Thana- FATEHPUR District- Gaya

1. HANSH KUMAR TIWARI Son of Shri Ayodhya Tiwari Residents of village- Tiwarichak, P.S- Fatehpur, District- Gaya
2. Ajit Tiwari Sons of Shri Ayodhya Tiwari Residents of village- Tiwarichak, P.S- Fatehpur, District- Gaya
3. Ramakant Tiwari S/O Sri Chatrugan Tiwari Residents of village- Tiwarichak, P.S- Fatehpur, District- Gaya
4. Ram Kripal Tiwari Sons of Sri Chatrugan Tiwari Residents of village- Tiwarichak, P.S- Fatehpur, District- Gaya
5. Vijay Tiwari S/O Late Deonandan Tiwari Residents of village- Tiwarichak, P.S- Fatehpur, District- Gaya
6. Uday Tiwari S/O Late Deonandan Tiwari Residents of village- Tiwarichak, P.S- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sudhir Kumar Bijpuria, Advocate
For the Opposite Party/s :	Mr. Brajendra Nath Pandey, A.P.P.
	Mr. Sunil Kumar Yadav, Advocate
	Mr. Jay Shree Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 504, 506 and 307 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that accused persons including the petitioners formed an unlawful assembly and brutally assaulted the informant, further



Ramakant assaulted him by *tangi* causing injury on head, thereafter Hansh Kumar and Gopal assaulted by *Fasuli* causing injury on finger of right hand, it is next alleged that Uday, Vijay and Ram Kripal assaulted Dwarika, Anuj and Dhananjay with *Gandasa* causing injury on head.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted the informant in order to forcefully occupy the land of the petitioner has encroached his Raiyati land, it is further submitted that as far as Uday, Vijay and Ram Kripal are alleged the allegation against them of assault are general and omnibus in nature, though it is alleged that they assaulted Dwarika, Anuj and Dhananjay with *Gandasa* causing injury on head, it is also submitted that Hansh Kumar and Gopal are alleged to have assaulted the informant by *Fasuli* on his finger of right hand and Ramakant by *tangi* causing injury on head, it is next submitted that injuries are simple in nature, it is further submitted that even the injury appears to be manipulated for the reason that if what has been alleged is true then definitely the injured would have been taken to the hospital but from perusal of the F.I.R., it manifests that the same is based on written application of the informant, it is further submitted that had the injured been taken to hospital then their Fardbayan would have been recorded at the



hospital itself.

Learned A.P.P. for the State and learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that F.I.R is based on written application of the informant and the injuries are simple in nature.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Fatehpur P.S. Case No. 269 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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