

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2090 of 2023

Arising Out of PS. Case No.-463 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

1. VIJAY PRATAP TIWARY @ VIJAY KUMAR TIWARY S/o Maksudan Tiwary @ Madhusudan Tiwary R/v- Ufrauliya, P.S.- Bhabua, District- Kaimur at Bhabua
2. MAKSUDAN TIWARY @ MADHUSUDAN TIWARY S/o Late Kamla Tiwary R/v- Ufrauliya, P.S.- Bhabua, District- Kaimur at Bhabua
3. KRISHNAWATI DEVI W/o Maksudan Tiwary @ Madhusudan Tiwary R/v- Ufrauliya, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under sections 341, 323, 452, 307, 379/34 of the Indian Penal Code.

As per the allegation, on protest over raising ridge on the land of the informant, the petitioners chased the informant, entered into his house and petitioner no.2 assaulted him with ramma made of iron and thereafter, petitioner nos.1 and 2 by fastening scarf around the neck of the informant and started dragging him and petitioner no.3 assaulted him with stick. It is



alleged that the petitioner nos.1 and 2 snatched cash and gold chain from the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties and both sides have sustained injuries. The injuries are simple in nature. He further submits that there is an admitted land dispute between the parties and a title suit is also going on between them. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/Successor Court in connection with Bhabua P.S. Case No.463 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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