

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13357 of 2023

Arising Out of PS. Case No.-620 Year-2022 Thana- HARSIDHI District- East Champaran

1. KAPIL DEV TIWARI S/O LATE NAYAK TIWARI
2. SANJAY KUMAR TIWARI S/O KAPIL DEV TIWARI
Both Resident of village- Jaga Pakar Tola, Bahrapur, Ward No.- 1, P.S.-
Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Harsidhi P.S. Case No.620 of 2022 instituted under Sections 147, 149, 341, 323, 324, 325, 447, 448, 307, 354A, 379, 504 and 506 of the IPC lodged on 06.12.2022 by the informant Kalyani Devi.

As per the prosecution story, that due to land dispute on 06-12-2022 at about 08:30 PM all accused holding weapons in their hands came and started abusing the informant and when the informant raised objection, accused Sanjay Tiwari with an intention to commit murder gave farsa blow on the head of informant, caused injury and accused Kapil Dev Tiwari gave



lathi blow on the head. of son of informant, caused injury. When the 'Debar' of informant came in rescue, accused Sanjay Tiwari also assaulted him with iron-rod. Accused Sanjay Tiwari snatched gold chain from the informant and accused Kapil Dev Tiwari torn the cloths of informant, due to which she became unveiled. Accordingly, the FIR.

Learned counsel for the petitioner submits that although the case has been exaggerated to show that *farsa* and *lathi* blow have been given by these petitioners on the head, a bare perusal of injury report would show that same have been found to be simple in nature.

Further the submission is that without accepting the allegations and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner(s) on its own would like to contribute towards the medical assistance of Rs. 5000/- each to the three injured through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

Learned APP on the other hand opposes the prayer for anticipatory bail but conceded that the injuries have been found



to be simple in nature.

Taking into account the fact that the petitioner do not have criminal antecedent, the injuries are simple in nature, they will be cooperating with the police in the investigation and will have to ultimately face the trial, this court is inclined to extend the privilege of anticipatory bail subject to payment of aforesaid amount.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Harsidhi P.S. Case No.620 of 2022 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every



date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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