

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17752 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- CHARPOKHARI District- Bhojpur

SANJAY TIWARY Son of Brij Tiwary R/V- Majhiaon, P.S- Charpokhari,
Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State

The petitioner apprehends his arrest in connection with Charpokhari P.S. 132 of 2022 instituted under Sections 307, 323, 341, 427/34 of the IPC and 27 Arms Act lodged on 08.07.2022 by the informant Ramhulash Upadhayay.

As per the prosecution story, the informant Ramhulash Upadhayay was ploughing his field situated in Mauza Majhiaon with his tractor when, all the co-accused persons including the petitioner armed with weapons came and resorted to indiscriminate firing which however hit the Tractor. It is further alleged that Motorcycle bearing No. BE03E1163 was there on which co-accused Gorakh Tiwary went toward village and when the informant went towards police Picket near Canal, co-accused Gorakh Tiwary and Ritesh Tiwary slapped



him as a result, his spectacles got broken. The police came and saved him. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that although due to land dispute case and counter case has been lodged, there is no injury on the side of the informant though allegation of indiscriminate firing has been deliberately made.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that it is matter of case and counter case there is no injury on the side of the informant, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on anticipatory bail, in the event of his 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 Charpokhari P.S. 132 of 2022 to the satisfaction of learned Judicial Magistrate, Ist Class, Bhojpur at Ara, 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 petitioner who shall provide official document to show his/her bona fide;

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

(iii) the petitioner 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 his/her bail bond by the Trial court itself;

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

(v) the petitioner 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 petitioner 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 /
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