

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17351 of 2023

Arising Out of PS. Case No.-535 Year-2022 Thana- BHORE District- Gopalganj

1. Chhotu Tiwari, Male, aged about 24 years, Son of Ramesh Tiwari R/V-
Khajuriya P.S- Bhore Dist- Gopalganj
2. Diwakar Tiwari, Male, aged about 32 years, Son of Manager Tiwari R/V-
Basdila, P.S- Basdila Dist- Kushinagar (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioners and learned
APP for the State of Bihar.

The petitioners are apprehending their arrest in connection with Bhore P.S. Case No. 535 of 2022 for the offences under Sections 341, 323, 307, 379, 504/34 of the Indian Penal Code.

There is allegation that five persons have accosted informant, while he was going on motorcycle. They have snatched his gold chain and invariably assaulting the informant.

Learned counsel for the petitioners submits that allegation of assault is general and omnibus. The alleged assault by five persons is also not corroborated by injury report



(Annexure - 2). The petitioners have no criminal antecedent.

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

Considering the rival submissions, nature of injury sustained viewed keeping in background the nature of allegation of assault by five persons as also delay of eight days in lodging the FIR, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Petitioner's anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Gopalganj in connection with Bhore P.S. Case No. 535 of 2022 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is



any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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