

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18628 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- KARAKAT District- Rohtas

1. Ram Sinhasan Tiwari Son Of Late Bahadur Tiwari R/O Village- Gorari, P.S.- Karakat, District- Rohatas
2. Pinku Tiwari @ Santosh Tiwari Son Of Ramjag Tiwari R/O Village- Gorari, P.S.- Karakat, District- Rohatas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioners and the learned APP for the State.

3. Petitioners seek regular bail in connection with Karakat P.S. Case No. 310 of 2022 dated 29.12.2022 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 302 and 427 of the Indian Penal Code.

4. As per the prosecution, the informant alleged that both the petitioners along with other co-accused persons started



removing his *hut* and *Gumati* from the land under his possession and on objection, these accused persons assaulted him and his family members by means of lathi and danda, due to which his mother succumbed to her injuries.

5. The main submissions advanced by petitioners' counsel are that the petitioner No. 1 is 85 years old and as per allegation, he is stated to be an order giver and he instigated the other co-accused persons to assault the informant's mother (deceased) and on the body of the deceased, only one lacerated wound being in the size of 1.5cm x 1cm x 1cm over the right elbow was found and except the said injury no any other injury was found and the same is sufficient to falsify the allegations leveled in the FIR and the informant's cousin brother namely Birendra Tiwari, who is stated to have been assaulted by petitioner No. 2, did not sustain any type of injury and a land dispute in between both the parties is stated to be the genesis of the occurrence. Further submissions are that both the petitioners have fair and clean antecedent and have been languishing in jail since 30.12.2022 and altogether 14 persons including the petitioners have been named in the FIR and lathi and danda are stated to have been used by the accused persons in the alleged occurrence.



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

7. Considering the above submissions made by learned counsel for the petitioners, in my opinion it is a fit case for bail to the petitioners. Accordingly, let both the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Karakat P.S. Case No. 310 of 2022.

(Shailendra Singh, J)

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