

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26439 of 2023

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

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1. RAMJAG TIWARI son of Late Bahadur Tiwari
 2. Ramjee Tiwari son of Late Bahadur Tiwari
 3. Rakesh Tiwari son of Ram Sinhasan Tiwari
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
-

Appearance :

For the Petitioner/s : Mr. Rahul Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 302 and 427 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the injured suffered only one injury who was an old lady who died and the petitioners are not alleged to have assaulted her. Learned counsel further submits that even injury was on her right elbow. Learned counsel for the petitioners, at the cost of repetition, submits that petitioners are not alleged to have assaulted the deceased. It is next submitted that though one of the petitioners,



namely, Rakesh Tiwari is alleged to have assaulted along with others but then the nature of injury does not justify the death being caused on account of assault. It is also submitted that petitioners will not abscond rather cooperate in the investigation and will present themselves as and when required by the investigating officer for eliciting the truth.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Karakat P.S. Case No. 310 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, if an application is filed by the investigating officer of the case that petitioner no. 3 Rakesh Tiwari, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself when called for, the



learned trial court shall be at liberty to cancel his bail bonds
after recording reasons.

(Satyavrat Verma, J)

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