

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26838 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- THAKRAHA District- West Champaran

RAJNISH TIWARI @ BANTI S/O PRAMOD TIWARI Resident of Village-
Thakraha, P.S.- Thakraha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Thakraha P.S. Case No. 06 of 2023 registered for the offence under Sections 147, 149, 323, 324, 307, 337, 338, 379, 504 and 506 of the Indian Penal Code and under Section 37 of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in custody since 24.01.2023.

4. The allegation against the petitioner is to assault informant and others by means of iron rod, causing head and bodily injuries, having intention to cause their death, where occurrence is arises out of local disputes and differences.

5. Learned counsel appearing on behalf of the



petitioner submitted that allegation against this petitioner, *qua*, physical assault is not specific and same not appears even repeated without having any intervening circumstances which negate, *prima facie*, that petitioner was under intention to cause death of injured. It is further submitted that injury, as received by injured during the course of occurrence by this petitioner, is appearing simple in nature which further negates intention to cause death. While concluding the argument, it has been submitted that petitioner found involved in four more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the nature of injury, which appears simple coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Thakraha P.S. Case No. 06 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Bagaha, West
Champaran/concerned court, subject to the conditions as
mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

