

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33187 of 2023**

Arising Out of PS. Case No.-608 Year-2022 Thana- WAJIRGANJ District- Gaya

1. CHUNCHUN TIWARI @ AJEET KUMAR SON OF BIRENDRA KUMAR TIWARI @ SATENDRA TIWARI R/O-KADHARIYA, P.S.-WAZIRGANJ, DISTT.-GAYA
2. MUNCHUN SINGH @ MUKESH KUMAR SON OF RAMDHAYAN SINGH R/O-KADHARIYA, P.S.-WAZIRGANJ, DISTT.-GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr. Ajit Ranjan Kumar, Adv. |
| For the State        | : | Mr. Ajit Kumar, APP         |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      21-07-2023                      Heard Mr. Ajit Ranjan Kumar learned counsel appearing on behalf of the petitioners and Mr. Ajit Kumar learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Wazirganj P.S. Case No. 608 of 2022, dated 11.11.2022, registered under Sections 341, 447, 323, 354, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that as per written report of the informant Dulari Devi is that she got information on 10.11.2022 that accused/petitioners have raised pillar on her plot, on this information, on 11.11.2022 at about 02:00 P.M., the informant and her daughter reached at the plot then the



accused/petitioner along with co-accused persons armed with Lathi-Danda and Pistol came and started abusing and assaulting the informant and her daughter. Further, the accused/petitioners assaulted on the private part of her daughter due to which her daughter is suffering from problem. It is further alleged that the accused/petitioners snatched her golden earrings and chain and also threatened to kill her.

4. Learned counsel appearing on behalf of the petitioners submits that there is admitted Title Suit No. 769 of 2019 is pending between the parties and to that effect they have made specific statement in paragraph 11 of the bail application with respect to certain land. Both the parties are agnates. The present F.I.R. is the counter to the case earlier lodged by the petitioners relates to the Wazirganj P.S. Case No. 407 of 2021. The petitioners have been roped in the present false case due to previous enmity arising out of land dispute. However, no incident has taken place between the parties.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the submission made on behalf of both the parties as well as the fact that Title Suit No. 769 of 2019 is pending between the parties with respect to certain land and the



present F.I.R. is the counter to the case earlier lodged by the petitioners relates to the Wazirganj P.S. Case No. 407 of 2021, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Ist, Gaya in connection with Wazirganj P.S. Case No. 608 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

**(Purnendu Singh, J)**

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