

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38398 of 2023

Arising Out of PS. Case No.-275 Year-2020 Thana- SUGAULI District- East Champaran

1. Raushan Tiwary @ Rausan Tiwary Son of Dharmendra Tiwari Resident of Village - Sugaon, P.O. and P.S.- Sugauli, District - East Champaran
2. Ashutosh Anand @ Dishu Son of Prakash Thakur Resident of Village - Sugaon, P.O. and P.S.- Sugauli, District - East Champaran
3. Dhananjay Thakur Son of Lalan Thakur Resident of Village - Sugaon, P.O. and P.S.- Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and
learned counsel for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Sugauli P.S. Case No. 275 of 2020, registered on 17.05.2020 for the offences under Sections 341, 323, 307, 379, 120B, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, while the informant was coming out from an ATM after withdrawing Rs.4,000/-,



the petitioners armed with iron rod surrounded and started assaulting him. Petitioner no. 1 Raushan Tiwary snatched Rs.4,000/- from the informant, who received a number of injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is not a case of snatching money or assault as alleged rather some hot exchange of words took place between the parties and informant lodged a false case with false allegation. The injuries as it appears from the injury report are not serious and injuries are swelling, redness of right eye, nasal bleeding, pain and tenderness of nasal bone. Learned counsel further submits that good sense has prevailed between the parties and they have entered into a compromise and a joint compromise petition has been filed before the learned court below. Learned counsel further submits that the allegations are general and omnibus and the allegation of snatching money is not believable in the given facts and circumstances. Petitioners have got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail submitting that there is specific allegation against the



petitioners that they assaulted the informant and snatched money.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation coupled with the injury report which apparently does not show serious injury and further considering the possibility of false accusation for other offences, let the petitioners above named in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari/concerned court in connection with Sugauli P.S. Case No. 275 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court



below, if so required by the learned trial
court.

(Arun Kumar Jha, J)

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