

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40812 of 2023

Arising Out of PS. Case No.-218 Year-2022 Thana- CHIRAIYA District- East Champaran

1. Suman Tiwari Son Of Dhrupnarayan Tiwari Resident Of Village Chamhi, Ps- Chiraiya, District- East Champaran
2. Rakesh Tiwari Son Of Krishndev Tiwari Resident Of Village Chamhi, Ps- Chiraiya, District- East Champaran
3. Khusindra Tiwari Son Of Late Devnandan Tiwari Resident Of Village Chamhi, Ps- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard the parties.

The petitioners are apprehending arrest in connection with Chiraiya (Shikarganj) P.S. Case No. 218 of 2022 instituted under under Sections 341, 323, 307, 354, 379, 504, 34 of the Indian Penal Code lodged on 9.5.2022 by the informant, Yamuna Tiwari.

As per the prosecution story, the allegation is that the neighbour was building house on the government land. Upon objection, the accused persons armed variously, came and the specific allegation is against Sonu Tiwari of using 'khanti' on the head of the informant's son whereas Vishal Kumar and



Dhrupnarayan Tiwari assaulted Upendra Tiwari by means of iron rod causing injuries on his left hand.

Further, omnibus allegation against all the accused persons of assault and snatching of gold chain. Accordingly, the FIR.

Learned counsel for the petitioners submit that specific allegation is against Sonu Tiwari, Vishal Kumar and Dhrupnarayan Tiwari and not on these petitioners against whom, omnibus allegation are there and further the petitioner no.3 is an aged person.

The last submission is that they do not have criminal antecedents.

Learned APP opposes the prayer.

Taking into account the submission put forward by the learned counsel for the petitioners as also that there is counter case vide Chiraiya P.S. Case No. 225 of 2022, the main allegation is against Sonu Tiwari, Vishal Kumar and Dhrupnarayan Tiwari and do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Chiraiya (Shikarganj) P.S. Case No. 218 of 2022 to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

With the aforesaid observation, the bail application is
allowed.

(Rajiv Roy, J)

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