

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44171 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- SISWAN District- Siwan

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SHAIENDRA KUMAR TIWARY @ SHAIENDRA TIWARY @
SHAIENDRA DUBEY S/O HIRDIYANARAYAN TIWARY R/O VILLAGE
- SUBHI, PS. SISWAN, DISTT. SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 379, 307, 354 and 506/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. The informant alleges that on account of previous
dispute an altercation took place in which it is alleged that five
named accused persons including the petitioner came at her
house and started abusing. It is further alleged that petitioner
assaulted the father (Rajendra Dubey) of Ratnesh Dubey with an
iron rod causing injury on his head, thereafter Kamlesh Singh
and Ravindra Tiwary assaulted other relatives of the informant



and petitioner along with Ravindra Tiwary took ornament worth Rs.5 lakhs and cash of Rs.35,000/- from the house of the informant.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that though it is alleged that petitioner assaulted the father (Rajendra Dubey) of Ratnesh Dubey with an iron rod causing injury on his head but then the impugned order does not record the nature of injury whether it is grievous or simple. It is next submitted that the FIR was instituted on 05.02.2023 when the date of occurrence is 03.02.2023 i.e. after a delay of two days without any plausible explanation. It is also submitted that from the side of the petitioner also Siswan P.S. Case No. 29 of 2023 was instituted on 03.02.2023. It is, thus, submitted that it appears that the informant in order to create defence got the present FIR instituted by causing self inflicted injury.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against the petitioner of assaulting Rajendra Dubey with an iron rod causing injury on his head.

7. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his 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) 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 Siswan P.S. Case No. 33 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner shall verify the injury report of Rajendra Dubey and if it is found that Rajendra Dubey suffered grievous injury on his head, in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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