

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62834 of 2023

Arising Out of PS. Case No.-74 Year-2022 Thana- GUTHANI District- Siwan

Shatrudhan Tiwari Son Of Bidya Sagar Tiwari R/O-Chakiya, P.S.-GUTHANI,
Distt.-SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Petitioner along with other accused persons are said to have assaulted the brother of the informant due to which he died during course of treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that there is allegation upon the petitioner to fire with the country made pistol on Ram Dayal Mishra but the same did not hit to him, as such, the petitioner is not the assailant of the deceased Ram Dayal Mishra. He submits that there is no specific overt act against the petitioner. He submits



that the alleged occurrence has taken place for installing the boundary over the disputed land upon which both the parties are claiming their own. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposing the prayer for bail submits that the petitioner is also involved in the present case. He submits that the postmortem report shows various injuries over the body of the deceased.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Guthani P.S. Case No. 74 of 2022.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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