

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55169 of 2022

Arising Out of PS. Case No.-229 Year-2020 Thana- PAHARPUR District- East Champaran

1. RAM NARAYAN TIWARI Son of Viswnath Tiwari R/V- Kotwa, P.S- Paharpur, Dist- East Champaran
2. Virendra Mani Tripathi Son of Chuman Tiwari R/V- Kotwa, P.S- Paharpur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manjeet Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-01-2023 Heard Mr. Manjeet Kumar Mishra, learned counsel
for the petitioners Mr. Bharat Bhushan, learned APP for the
State.

The petitioners apprehend their arrest in connection
with Paharpur P.S. Case No. 229 of 2020 instituted under
Sections 341, 323, 324, 307, 354B, 379, 504, 506/34 of the
Indian Penal Code.

As per the prosecution story, the informant, a lady,
alleged that the accused persons came to her land and tried to
oppose their digging work that was being done for construction
of house. Further, the allegation against the petitioner No. 1 is of
assaulting the informant while on the petitioner No. 2 is of



assaulting her son. The allegation of assault is against other accused persons also.

Learned counsel for the petitioners submit that he do not have criminal antecedent. Although, the injuries have been alleged, a perusal of the order of the learned Sessions Judge would show that the same have not been recorded as grievous in nature, they are ready to abide by terms and conditions if granted the relief and further would like to extend medical assistance of Rs. 10,000/- each to the informant, Rupwanti Devi as also her son, Manjeet Tiwari, totalling Rs. 20,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

The last submission is that similar placed co-accused have been extended the benefit of anticipatory bail vide Cr. Misc. No. 23401 of 2022 on 9.11.2022 by a coordinate bench of this Court.

Learned APP on the other hand opposes the prayer stating that the allegation of assault is there against the accused petitioners.

Taking into account the fact that the petitioners do not have criminal antecedent, from the observation of the learned



Sessions Judge, it is not clear that the injuries have been found to be grievous in nature and some of the similar placed co-accused have seen been granted the relief of anticipatory bail, as stated above, this Court is inclined to grant them relief subject to payment of Rs. 20,000/-, as stated above.

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 Paharpur P.S. Case No. 229 of 2020 to the satisfaction of learned C.J.M., East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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