

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56698 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. SUMAN TIWARI @ UMESH KUMAT TIWARI, Son Of Dhrupdev Tiwari Resident Of Village- Dubey Bataraha, P.S.- Phulwariya @ Fulwariya, Dist-Gopalganj, Bihar
2. TANU TIWARI ALIAS TUNU TIWARI, Son Of Dhrupdev Tiwari Resident Of Village Dubey Bataraha P.S.Phulwariya

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Indrajeet Bhushan, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-12-2023 Heard learned counsels for the parties.

2. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of Petitioner No. 1, as during pendency of this case, Petitioner No. 1 has already been arrested and the same has become infructuous.

3. Permission accorded.

4. The anticipatory bail application on behalf of Petitioner No. 1 is dismissed as withdrawn.

5. Petitioner No. 2 apprehends her arrest in a case registered for the offence punishable under Sections 341, 323, 324, 325, 354, 307, 504, 506 and 34 of the Indian Penal Code.

6. As per the prosecution case, there is allegation



against Petitioner No. 2 that in order to make pressure upon the informant not to give evidence and withdraw the POCSO case, she along with other accused persons brutally assaulted the informant, his wife and his son.

7. It is submitted by learned counsel for the petitioner that the allegation against this petitioner is general and omnibus and specific allegation of assault is against other co-accused persons. It is further submitted that this false and concocted case has been registered only to put pressure upon the members of the petitioners' family to relinquish their legal claim over the piece of land which is the subject matter of Title Suit No. 75 of 2014 instituted by the informant where the name of the father of the petitioners figures as Defendant No. 1. This petitioner claims clean antecedents.

8. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

9. Considering the general and omnibus allegation of assault against this petitioner and her clean antecedents, the prayer for anticipatory bail of the Petitioner No. 2 is allowed.

10. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let Petitioner No. 2, above named, be enlarged on bail on furnishing bail-bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XVI, Gopalganj, in connection with Phulwariya P.S. Case No.129 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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