

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59365 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- MURAR District- Buxar

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1. Sanjay Tiwari @ Mualavi S/O Paras Nath Tiwari R/O Village- Murar, P.S- Murar, Distt.- Buxar.
 2. Paras Nath Tiwari S/O Late Vishwanath Tiwari R/O Village- Murar, P.S- Murar, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-12-2023 Heard Ms. Alka Singh, learned counsel appearing on behalf of the petitioner and Mr. Madan Kumar, learned APP appearing on behalf of the State.

2. At the very outset, learned counsel appearing on behalf of the petitioners informs this Court that Petitioner no.2, namely, Paras Nath Tiwari has already been granted anticipatory bail on 18.10.2023 by a Co-ordinate Bench of this Court.

3. At present, only the case of petitioner no.1, namely, Sanjay Tiwari @ Mualavi is being dealt with, who apprehends his arrest in connection with Murar P.S. Case No.07 of 2023 registered under Section 147, 149, 341, 323, 308, 379, 504, 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, petitioner along with 3-4 unknown persons entered into the house of Informant and assaulted the Informant and his family members with deadly weapons and has also stolen certain valuables and cash.

4. Learned counsel appearing on behalf of the petitioner informed this Court that petitioner no.2 has already been released on anticipatory bail on 18.10.2023 passed in the present case and the case diary was required to ascertain the injuries sustained by one Brajendra Nath Tiwari, son of the informant, who has sustained head injury, the injury is certainly grievous in nature. Learned counsel further submitted that the petitioners' side have also sustained injury in the fierce fight between the parties. The injury sustained by the son of the informant may have caused by the petitioner without intention and in his self-defence.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner considering the injuries which are grievous in nature and the victim has sustained knife injury on the head and other parts of the body. As such, the petitioner does not deserve to be released on pre-arrest bail.

6. Mr. Arun Kumar Jha, learned counsel has tendered his appearance on behalf of the Informant and has supported the averments made by the learned APP for the State.

7. Considering the rival submissions made on behalf of the parties, as well as, the fact that the petitioner and informant are agnates (*Gotiya*) and in course of fierce fight due to land dispute among them, both sides have sustained injuries, the petitioner may surrender before the District Court for seeking regular bail. In that case, the District Court is directed to consider the regular bail application of the petitioner on the same day and proceed to decide the case on merit.

8. With the aforesaid observation/direction, the application stands disposed of.

(Purnendu Singh, J.)

Chn/-
Ashishsingh/-

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