

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60812 of 2023

Arising Out of PS. Case No.-169 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

RAM AWADHESH TIWARI, Son of Late Keshav Tiwari R/o vill - Chitkundi,
P.S. - Ara Mufassil, Distt. - Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Ara Mufassil P.S. Case No. 169 of 2022
registered for the offence punishable under Section 341, 323,
324, 307 and 34 of the Indian Penal Code and Section 27 of
Arms Act.

3. The informant was ploughing his farm along with
his brother when accused persons, including the petitioner, have
arrived and indiscriminately assaulted them by various means.

4. It is submitted by the learned counsel for the
petitioner that since two cases are pending against the petitioner
since before, he has been dragged in the present case, attributing
an assault upon the little finger of the informant's nephew. The



petitioner is aged about 72 years; and the implication is based on extraneous consideration. The parties are already at loggerheads in civil dispute in Probate Case No. 37 of 2017, Title Suit No. 371 of 2017 and Mutation Appeal Nos. 655 of 2021 and 656 of 2021. The accused side has also lodged an FIR in respect of the occurrence in Ara Mufassil P.S Case No. 170 of 2022. The submission is that based on subsisting land dispute, this fight ensued between the parties and all family members, including elderly people like the petitioner, have been dragged in the case.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegations, the subsisting land dispute, case and counter-case as also age of the petitioner, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate-VII Bhojpur at Ara in connection with
Ara Mufassil P.S. Case No. 169 of 2022, subject to the
conditions as laid down in Section 438(2) of the Code of
Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close
relative of the petitioner who will give an
affidavit giving genealogy as to how he is
related with the petitioner. The bailor will also
undertake to inform the court if there is any
change in the address of the petitioner.

(ii) That the petitioner will be well
represented on each date and if he fails to do so
on two consecutive dates, his bail bond will be
liable to be cancelled.

(Madhuresh Prasad, J)

SUMIT/-

U		T	
---	--	---	--

