

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65260 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- DERNI BAZAR District- Saran

1. Prem Tiwari, son of Mohan Tiwary, Village- Khajouta, Ps- Derni, Dist- Saran at Chapra
2. Raj Kumar Tiwari @ Pappu Tiwari, son of Mohan Tiwary, Village- Khajouta, Ps- Derni, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Tej Pratap Singh, learned counsel
appearing on behalf of the petitioners and Mr. Md. Mushtaque
Alam, learned Additional Public Prosecutor for the State.

2. At the outset, learned counsel for the petitioners
submits that during the pendency of the present application, the
petitioner no. 1, namely, Prem Tiwari, has been arrested and, as
such, he is not pressing the bail application of petitioner no. 1.

3. The petitioner no. 2, namely, Raj Kumar Tiwari @
Pappu Tiwari, apprehends his arrest in connection with Derni
P.S. Case No. 180 of 2022, registered for the offences
punishable under Sections 147, 148, 149, 323, 341, 307, 380,
384, 327, 452, 504, 506, 120(B) of the Indian Penal Code and



Section 27 of the Arms Act.

4. Allegedly on account of land dispute, all the F.I.R. named accused persons, including the petitioner no. 2, variously armed, came at the door of the informant and on the exhortation of Birendra Tiwary and Ram Sakal Singh, all the other accused persons surrounded the informant and abused and assaulted him. It is specifically alleged that the petitioner alongwith Sanjay Singh assaulted the informant by fists and slap as well as from the butt of the pistol. The further allegation has been levelled against other accused person.

5. It is submitted on behalf of the petitioner no. 2 that even as per the complaint, which was subsequently sent to the concerned police station and accordingly F.I.R. has been instituted, the occurrence took place on 20.04.2022, but surprisingly the complaint has been filed on 16.07.2022 and no reason has been assigned for such delay.

6. He next submitted that even after so much delay, when the prayer for bail of the petitioner and others were under consideration before the learned Sessions Judge, the injury report has not been placed. Moreover, the petitioner no. 2 is a man of fair antecedent and there is a counter version of the present F.I.R., being Derni P.S. Case no. 196 of 2022 instituted



by Prem Tiwari.

7. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific allegation has been levelled against the petitioner.

8. Regard being had to the submissions made on behalf of the parties and considering the delay in institution of the complaint and the case and counter case, coupled with the fair antecedent of the petitioner no. 2, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Saran at Chapra in connection with Derni P.S. Case No. 180 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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