

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5173 of 2023

Arising Out of PS. Case No.-103 Year-2022 Thana- MASHRAK District- Saran

1. AARJU NATH TIWARY Son of Late Sawalia Tiwary R/v- Dumduma, P.S.- Mashrakh, District- Saran
2. RITA DEVI Wife of Aarju Nath Tiwary R/v- Dumduma, P.S.- Mashrakh, District- Saran
3. FULBALA KUAR @ FULBADAN KUAR Wife of Late Sawalia Tiwary R/v- Dumduma, P.S.- Mashrakh, District- Saran
4. PRADIP TIWARY Son of Shankar Tiwary R/v- Banwari, P.S.- Baikunthpur, District- Gopalganj At present Village- Dumduma, P.S.- Mashrakh, District- Saran
5. RINKU DEVI Wife of Pradip Tiwary R/v- Banwari, P.S.- Baikunthpur, District- Gopalganj At present Village- Dumduma, P.S.- Mashrakh, District- Saran
6. SACHIDANAND PANDEY @ SACHITANAND PANDEY Son of Late Prabhunath Pandey R/v- Bamo, P.S.- Baikunthpur, District- Gopalganj
7. GUNJA DEVI Wife of Sachidanand Pandey @ Sachitanand Pandey R/v- Bamo, P.S.- Baikunthpur, District- Gopalganj
8. SANDESH TIWARY Son of Late Ram Narain Tiwary R/v- Khajuri, P.S.- Mashrakh, District- Saran (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ajay Kr Singh No.1, Adv.
For the Opposite Party/s :	Mr.Awadhesh Kumar Singh, APP. Mr. Anjani Parashar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioners, learned counsel
for the complainant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 147, 149, 323, 325,
307, 447 of the Indian Penal Code.



Allegedly, after some altercation, petitioners are said to have assaulted the complainant with fists, lathi and rod and when his son came for rescue, they also assaulted him.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. For the same occurrence Mashrakh P.S. Case No. 605 of 2021 has been filed in which the petitioners are enjoying privilege of bail. Petitioner no.1 has two criminal antecedents, whereas petitioner nos. 5 & 8 have one criminal antecedent. Rest of the petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the complainant opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of



Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Mashrakh P.S. Case No. 103 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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