

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69795 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- MUFFASIL District- Aurangabad

1. DILIP TIWARI Son of Nageshwar Tiwary Resident of Village- Parsa Bigha, P.S.- Aurangabad(Mufassil), District- Aurangabad
2. SANTU TIWARI @ SINTU TIWARI @ SINTU TI. Son of Late Rampravesh Tiwary Resident of Village- Parsa Bigha, P.S.- Aurangabad(Mufassil), District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Ujjawal Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307 of the Indian Penal Code and Section 27 of the Arms Act but the police submitted charge sheet under Sections 147, 149, 341, 323, 308, 325, 504 and 506 of the Indian Penal Code.

According to prosecution case, there is allegation against the petitioners of assaulting the injured Manoj Singh and Riti Kumar by means of gandasa on their head, causing head injury to them.



Learned counsel for the petitioners submits that the petitioner no.1 has carried two antecedents other than the present one and the petitioner no.2 has clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the specific allegation is against the petitioner no.1 that he has assaulted to Manoj Kumar Singh and the petitioner no.2 has assaulted to Riti Kumar. He further submits that the injury report of the injured persons namely, Manoj Kumar Singh and Riti Kumar suggests that the injuries are simple in nature, caused by the hard and blunt substance and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 22.08.2022.

The learned counsel for the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of the learned court below, where the case is pending, in connection with Aurangabad (Muffasil) P.S. Case No. 239/2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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