

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72947 of 2023

Arising Out of PS. Case No.-350 Year-2023 Thana- SURSAND District- Sitamarhi

VISHWAJIT TIWARI @ VISHWAJIT KUMAR TIWARY S/O RAM
PUKAR TIWARI R/O VILLAGE- RADHAUR, WARD NO. 8, P.S-
SURSAND, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhubala Verma, Advocate
For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard Mrs. Madhubala Verma, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with
Sursand P.S. Case No. 350 of 2023 for the offence under
sections 323, 307, 341, 447, 379, 504, 506/34 of the Indian
Penal Code lodged on 03.07.2023 by the informant,
Purushottam Kumar.

3. As per the prosecution story, the allegation is that
the accused persons armed variously came to the house of the
informant and on the order of this petitioner, Anmol Kumar
Tiwary gave Spade blow on the informant's head causing injury
and he became unconscious. When his pregnant wife came to
his rescue, the allegation is that the accused persons pulled her
to the ground causing miscarriage. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



specific allegation is against Anmol Kumar Tiwari of causing injury on the head, only to implicate the petitioner, the role of order giver has been assigned to him. Further, admittedly, there is a land dispute between the parties and nothing specific has come against him. He has already suffered by being in custody since 16.07.2023 (as stated in paragraph 16 of the petition), do not have criminal antecedent and further, despite the injury/miscarriage, the fact remains that the FIR was lodged after twenty four hours.

5. Learned APP opposes the prayer for bail stating that the role of order giver has been assigned to this petitioner.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that the specific allegation is against Anmol Kumar Tiwary, he is in custody since 16.07.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi in connection with Sursand P.S. Case No. 350 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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