

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71791 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- SATHI District- West Champaran

1. Kanhaiya Tiwari Son Of Late Awadhesh Tiwari R/O Vill.- Basantpur, P.S.- Sathi, Distt.- West Champaran
2. Sujit Kumar Tiwari @ Sujit Tiwari Son Of Kanhaiya Tiwari R/O Vill.- Basantpur, P.S.- Sathi, Distt.- West Champaran
3. Amit Tiwari Son Of Kanhaiya Tiwari R/O Vill.- Basantpur, P.S.- Sathi, Distt.- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Rajendra Sinigh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and Mr. Rajendra Singh, learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Sathi P.S. Case No. 78/2021 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 354B, 307, 504, 506 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, on 11.04.2021 while the panchayati on account of land dispute was going on, all the accused persons started abusing her ignoring the panchayat and also assaulted by means of Farsa on her head. When her son



came to rescue her all the accused persons started assaulting him by Lathi and also threatened him to kill.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the scuffle has taken place on account of land disputes between the parties. Allegation of causing assault by Farsa on the head of the informant is against co-accused Ajit Kumar who is not before this Court.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears that parties had scuffled in course of a panchayati over a land dispute, allegation of causing assault by Farsa on the head of the informant is against co-accused Ajit Kumar who is not before this Court, so far as these petitioners are concerned, they have no criminal antecedent and there is no injury report of the son of the informant, there is a counter case lodged by petitioner no. 1 giving a different version of the occurrence and the same has been lodged prior in time, in the totality this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs.



25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 3rd, Bettiah, West Champaran, in connection with Sathi P.S. Case No. 78/2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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