

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7393 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

Deepak Tiwary @ Dipak Tiwari S/O- Ramashankar Tiwary R/O- Village-
Nonar, P.S.- Ramgarh, Dist.- Kaimur (BHABHUA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Dhari Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

Mr. Pawan Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioner, learned APP
for the State as well as learned counsel for the O.P. No.2.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 341,
323, 324, 307, 504, 34 of Indian Penal Code.

The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a school
teacher. It is next submitted that petitioner and the O.P. No.2 are
own brothers. It is further submitted that O.P. No.2 is inhabit of
torturing his mother along with his wife.

It is also submitted that petitioner are four brothers
including the O.P. No.2, one brother is in the Army, other is a
contractor and the petitioner resides in Patna and is a teacher. It
is next submitted that the mother of the petitioner had instituted



Ramgarh P.S. Case No.201 of 2023 dated 15.06.2023 against the informant alleging therein that the O.P. No.2 assaults her often and on 15.06.2023 assaulted her brutally causing fracture of her thumb. It is next submitted that since the O.P. No.2 and his wife are inhabit of torturing the mother of the petitioner, hence the occurrence took place. It is also submitted that on the date of occurrence the petitioner had gone to meet his mother as his marriage was fixed when the wife of the O.P. No.2 started misbehaving with her and when the petitioner intervened, the O.P. No.2 objected on account of which an altercation took place and the fight ensued. It is also submitted that no son can tolerate misbehaviour of his own brother with the mother.

It is further submitted no doubt allegation is of assault by knife but then from perusal of the injury report, it would manifest that none of the injuries are of such nature which could have cause death of the O.P. No.2. It is also submitted that O.P. No.2 after seeking initial treatment was not admitted in the hospital, which further goes to demonstrate that the injuries were not so serious, though doctor has opined the injuries to be grievous, but then the factual background in which the occurrence took place should also be appreciated.

The learned APP along with learned counsel for the



O.P. No.2 opposes the anticipatory bail application, but learned counsel for the O.P. No.2 is not in a position to rebut the submission of the learned counsel for the petitioner that the mother of the petitioner had instituted Ramgarh P.S. Case No.201 of 2023 against the O.P. No.2 and that petitioner was not admitted in the hospital for treatment.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ramgarh P.S. Case No.415 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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