

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24206 of 2024

Arising Out of PS. Case No.-302 Year-2022 Thana- BASANTPUR District- Siwan

Harindra Tiwari, Son Of Umashankar Tiwari Resident Of Village - Jagatpur
Tiwari Tola, P.S. - Basantpur, District - Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 20283 of 2024

Arising Out of PS. Case No.-302 Year-2022 Thana- BASANTPUR District- Siwan

Prabhu Tiwari, Son Of Lae Baidahi Tiwari Resident Of Village- Jagatpur
Tiwari Tola, P.S- Basantpur Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 24206 of 2024)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Saroj Kumar Choudhary
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP
(In CRIMINAL MISCELLANEOUS No. 20283 of 2024)
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Saroj Kumar Choudhary, Advocate
Mr. Abhishek, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 302-08-2024
1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.

2. Heard learned senior counsel for the petitioners and the learned APPs for the State.



3. Petitioners seek regular bail in connection with Basantpur P.S. Case No. 302 of 2022, dated 29.06.2022, registered for the offence(s) punishable under Section(s) 341, 323, 324, 307, 302, 120B of the Indian Penal Code.

4. As per prosecution, Meghnath Tiwari (informant) stated that on 28.06.2022 at about 17:30 hours Ranjit Kumar Tiwari (deceased) was having snacks with his family when the informant had gone to call the deceased to prepare '*medhi*' of the field. As the two left for the field and reached about 200 meters ahead, the accused persons namely, Harindar Tiwari (petitioner), Tarun Tiwari, Raj Kumar Tiwari, Rohit Tiwari, Lalu Tiwari, Gyatri Devi, Ankush Tiwari, Gajendra Tiwari, Shila Devi, Shivratri Devi, Priyanka Devi and Rajendra Tiwari came out of their place of hiding. Prabhu Tiwari (petitioner) and Rohit Tiwari caught hold of the deceased and Hari Tiwari assaulted on the neck of the deceased by means of *tangi*, Tarun Tiwari assaulted him on his left arm by means of *dab* as a result of which the deceased started bleeding from his shoulder and wrist. Thereafter all the accused persons started assaulting with *lathi* and *danda* and fled away from the place of occurrence. The deceased later on died during his treatment.

5. Mr. N.K. Agrawal, learned senior counsel



appearing for the petitioners submits that as per allegation made in the FIR the petitioner Prabhu Tiwari is simply alleged to have caught hold of the deceased Ranjit Kumar Tiwari, except this there is no allegation against him and the petitioner Harindra Tiwari is alleged to have inflicted a *tangi* blow at the neck of the deceased but no corresponding injury was found on the neck of the deceased though as per postmortem report, fracture at left shoulder was found but same is not attributed to the petitioner and as per medical opinion given in the postmortem report, the cause of death of the deceased was opined due to hemorrhage shock by ante-mortem injuries caused by sharp object and as per FIR, the sharp weapon was used by co-accused Tarun Tiwari. It is further submitted that several persons including the petitioners have been named in the FIR and both the petitioners have been languishing in jail since 04.12.2023.

6. Learned APPs appearing for the State have vehemently opposed the bail prayer of the petitioners and submitted that against the petitioners there is specific allegation in the FIR and the instant matter relates to murder of the cousin brother of the informant.

7. Having considered the specific roles of both the



petitioners in the commission of the alleged murder of the deceased Ranjit Kumar Tiwari, as reflects from the FIR, this court is not inclined to release the petitioners on bail at this stage. Accordingly, their bail prayer stands rejected.

(Shailendra Singh, J)

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