

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43680 of 2024

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

1. Ankush Tiwari Son of Hari Tiwari @ Harendra Tiwari R/O Jagatpur Tiwari Tola, P.S.- Bikramganj (Lakri O.P.), Dist.- Siwan
2. Gajendra Tiwari Son of Uma Shankar Tiwari R/O Jagatpur Tiwari Tola, P.S.- Bikramganj (Lakri O.P.), Dist.- Siwan
3. Sheela Devi Wife of Hari Tiwari R/O Jagatpur Tiwari Tola, P.S.- Bikramganj (Lakri O.P.), Dist.- Siwan
4. Shivratri Devi Wife of Prabhu Tiwari R/O Jagatpur Tiwari Tola, P.S.- Bikramganj (Lakri O.P.), Dist.- Siwan
5. Rajendra Tiwari Son of Ramnanan Tiwari R/O Jagatpur Tiwari Tola, P.S.- Bikramganj (Lakri O.P.), Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2024 Heard learned counsel for the Petitioners and

learned APP for the State.

2. Petitioners apprehend their arrest in connection
with Basantpur P.S. Case No. 302 of 2022 dated 29.06.2022
registered for the offences punishable under Sections 341, 323,
324, 307, 302 and 120B of the Indian Penal Code.

3. Mr. Abhishek, learned counsel appearing for the
petitioners submits that petitioners are named in the FIR but
against them there is no specific allegation and the allegations



levelled against them in the FIR, are general and omnibus and altogether fifteen (15) accused persons including the petitioners are named in the FIR. Learned counsel further submits that the specific allegation is against Prabhu Tiwari, Rohit Tiwari, Hari Tiwari and Tarun Tiwari and the investigating officer did not find any material against the petitioners and finally he submitted final form in respect of the petitioners but the learned trial court differing with the conclusion of the police took cognizance of the alleged offences against the petitioners also and thereafter, issued summons for getting the appearance of the petitioners. It is further submitted that the informant is not an eye-witness of the alleged occurrence and both the parties are agnates and a land dispute running in between them is said to be the genesis of the occurrence and petitioner no. 3 and petitioner no. 4 are women and petitioner no. 5 is an eighty year old person. It is further submitted that some co-accused persons carrying similar nature of allegations are on bail.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioners.

5. Having regard to the above submissions and mainly the facts that the petitioners were not sent up by the police and they have been summoned by the trial Court after the



completion of investigation and in the FIR, there is no any specific allegation against any of the petitioners and as per office notes, some co-accused persons are on bail, in my opinion, in the said circumstances, petitioners deserve to a lenient approach of this Court. Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Basantpur P.S. Case No. 302 of 2022.

(Shailendra Singh, J)

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