

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50126 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Suresh Tiwari @ Achay Kumar Tiwari, Son Of Mahendra Tiwari Village- Badaki Kulharia, P.S.- Buxar (M), District- Buxar
2. Mahendra Tiwari, Son Of Late Ram Nagina Tiwari, Village- Badaki Kulharia, P.S.- Buxar (M), District- Buxar
3. Geeta Devi, Wife Of Mahendra Tiwari, Village- Badaki Kulharia, P.S.- Buxar (M), District- Buxar
4. Reema Devi, Wife Of Suresh Tiwari, Village- Badaki Kulharia, P.S.- Buxar (M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Informant	:	Mr. Gajendra Gohar Ojha, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners submits that the petitioner no. 2 has been arrested and the petition becomes infructuous on his behalf. Accordingly, he seeks permission to withdraw the present bail petition on behalf of petitioner no. 2.

3. Permission is accorded.

4. Accordingly, the present bail petition stands dismissed as withdrawn on behalf of petitioner no. 2.

5. The petitioner nos. 1, 3 and 4 are apprehending



their arrest in connection with Buxar (Muffasil) P.S. Case No. 149 of 2024, registered for the offences punishable under Sections 341, 323, 307, 379, 504, 34 of the Indian Penal Code.

6. As per the prosecution case, the informant came from Varanasi to her house and found the lock of her door is broken then she inquired the same from her *gotni* namely Geeta Devi (petitioner no. 3), then all the accused persons came there and assaulted the informant and her sister and snatched their golden chain and when the brother and husband of the informant came to rescue her then they have also been assaulted, causing head and nose injury to brother of the informant.

7. Learned counsel for the petitioners submits that petitioner nos. 1, 3 and 4 are innocent and have falsely been implicated in this case. There are case and counter case between the parties. Petitioners are own *gotiya* of the prosecution side and due to family dispute an altercation took place between them. He further submits that except one nose injury other injuries are simple in nature. Petitioner nos. 3 and 4 are women. Petitioner nos. 1, 3 and 4 have no criminal antecedent and they undertake to cooperate in the investigation and trial of this case.

8. Learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners and submits that



counter case has been filed after more than one month of the occurrence.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner nos. 1, 3 and 4, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on 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 concerned Court where the case is pending in connection with Buxar (Muffasil) P.S. Case No. 149 of 2024, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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