

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59290 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- HATHUA District- Gopalganj

Yogendra Tiwary @ Chhote Tiwary @ Yogendra Tiwari S/o- Awadhesh
Tiwari Village- Hathua Gaon PS-Hathua District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey

For the Opposite Party/s : Mr.Umanath Mishra
Mr. Satish Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 12-09-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.
2. The petitioner apprehends his arrest in connection
with Hathua PS Case No. 148 of 2024 registered for the
offences punishable under Sections 341, 323, 324, 504, 506,
307, 379 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioner is a person
with clean antecedent and the informant alleges that on 17-6-
2024 at 9 a.m., the accused persons, including the petitioner
along with 10 unknown accused attempted to take forceful
possession of the land of the informant by filling soil, on
protest, it is alleged that Nehal repeatedly assaulted the



informant by *fersa* causing injury on head and fracture of nasal bone, further Yogendra (Petitioner) assaulted Bipin by a rod causing injury near eye and behind the head and thereafter assaulted Ajay causing injury on left hand and unknown accused person assaulted his family members and Kiran snatched Rs. 55,000/- from his pocket.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is next submitted that since there was a land dispute in between the parties, as such, there was an altercation in which both sides assaulted each other. It is also submitted that the specific allegation against the petitioner is of assaulting Bipin by a rod causing injury near his eye and behind the head, but then the injury suffered by Bipin is simple in nature.

5. The learned counsel appearing on behalf of the informant vehemently opposes the anticipatory bail application of the petitioner and submits that the informant of this case is Ashish who was brutally assaulted by Nihal leading to injury as has been alleged in the FIR. It is next submitted that the



informant was taken to hospital where his x-ray of the brain was done and thereafter a report was prepared, but this petitioner, on coming to know that report has been prepared, managed the office of the civil surgeon and got the report changed for which the civil surgeon instituted Hathua PS Case No. 182 of 2024 dated 26-7-2024 against the petitioner. It is further submitted that the clout of the petitioner can well be imagined that he has such connection and audacity that he even manages government records. It is next submitted that no doubt, it is alleged that petitioner assaulted Bipin by a rod causing injury near his eye and head but then it may be a possibility that the petitioner managed the said injury report also.

6. Considering the submissions made by the learned counsel for the informant and after perusing the Hathua PS Case No. 182 of 2024, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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