

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65350 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- BHORE District- Gopalganj

1. Ratan Kumar Tiwary Son of Late Dinesh Tiwary
2. Mithilesh Tiwary @ Mithlesh Tiwary Son of Late Dinesh Tiwary
3. Munna Tiwary @ Arvind Kumar Tiwari @ Arvind Kumar @ Munna Son of Ratan Kumar Tiwary .
All are R/o Village- Dubwalia, Tiwari Tola, Hussepur, P.S -Bhore, District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr.Lokesh Kumar Singh, learned counsel for the petitioners and Ms.Rina Sinha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhorey P.S.Case No.105 of 2024, FIR dated 03.05.2024 registered for the offences punishable under Sections 341,323,324,308,379/34 of IPC.

3. As per the F.I.R., lodged by the informant Shyamdev Tiwary, prosecution case is that on 29.04.2024 at around 4:30 the informant was engaged in administering semen to his cow. Then at this the accused/petitioners being armed with



Lathi-Danda and knife came there and started assaulting the informant, his brother Tulsi Tiwary, son Harendra Tiwary and grand-son Amar Tiwary. It is also alleged that in the course of maar-peet Munna Tiwary snatched gold chain of Harendra Tiwary. It is also alleged in the written report itself that owing to talk of compromise there happened delay in lodging the FIR. The alleged occurrence is reportedly of 29.04.2024 but the FIR was lodged on 03.05.2024. In the written report although reason of delay has been assigned being a talk of compromise between the parties but no any witness on this point has been examined by the police during investigation supporting this claim of delay.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute the present occurrence had taken place. There is case and counter case. Although there is allegation against the petitioners that they have assaulted to the informant and his family members but there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 29.04.2024 but the



present FIR has been institution on 03.05.2024 after delay of 4 days without giving any explanation of delay and both sides have received injuries.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is case and counter case and both sides have received injuries, let the petitioners, 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 bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Bhorey P.S.Case No.105 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.



(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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