

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73145 of 2024

Arising Out of PS. Case No.-340 Year-2024 Thana- PANCHRUKHI District- Siwan

Deepak Tiwari Son of Prabhunath Tiwari R/O Village- Matukchhapra, P.S.- Sarai, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rakesh Kumar Shrivastava, Advocate Ms. Kumudini Shrivastwa, Advocate Ms. Madhuri Kumari, Advocate
For the Opposite Party/s :	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-11-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Panchrukhi P.S. Case no. 340 of 2024 registered under sections 126(2), 115(2), 123, 109, 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant states that the accused persons named in the F.I.R. called him. Thereafter, it is stated that Abhaynath Tiwari and Aryan Tiwari brought cold-drink for him which he was given to drink. Soon after drinking, he started to feel dizzy. Thereafter, it is stated that Deepak Tiwari, the petitioner herein, assaulted him with *Tar ki chaili* on his head as a result of which he fell down injured and became unconscious. On regaining consciousness, he found



himself to be in PMHC. He was informed that thinking him to have died, the accused persons had left. Information was given about his injury on phone no. 112 and thereafter he was brought to the hospital in a serious condition.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No such occurrence as alleged has taken place. Referring to the photographs of the so called injured brought on record as Annexure P/2 series to the petition, it is submitted that the alleged victim is a drug addict. The alleged injury has not been found to be grievous and opinion with respect to the same has been reserved. The petitioner has no criminal antecedent and has been falsely implicated in the case because of enmity.

5. The application for anticipatory bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R, wherein, the petitioner is named and said to have given a blow with *Tar ki chaili* on the head of the informant together with the corresponding injury having been found on the head as is evident from the order of the learned trial Court rejecting the application for bail of the petitioner, the Court is



not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned Court below within a period of four weeks.

8. In case the petitioner so surrenders within a period of four weeks and prays for regular bail, the same shall be considered on its own merits without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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