

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78490 of 2024

Arising Out of PS. Case No.-450 Year-2024 Thana- MAJHAULIA District- West Champaran

1. Mantu Tiwari @ Shyama Kant Tiwari S/O Mr. Triloki Nath Tiwari, Resident of Village- Paras Pakari, Post- Chanayanbandh, Police station- Majhauria, Distt.- West Champaran.
2. Manoranjan Tiwari @ Vishnu Kant Tiwari S/O Mr. Triloki Nath Tiwari, Resident of Ward No. 03, Paras Pakari Bazar, Police Station- Majhauria, Distt.- West Champaran.
3. Manohar Tiwari @ Krishna Mohan Tiwari S/O Mr. Triloki Nath Tiwari, R/O Village- Nautan Khurd, Harpur, Post- Harpur Tola, P.S- Majhauria, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gyan Prakash, Advocate
For the Opposite Party/s : Mr.Md. Aatur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-12-2024 Heard learned counsel appearing on behalf of the
petitioners and the learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Majhauria P.S.Case No.450 of 2024 registered for the offences
punishable under Sections 190, 191(2), 191(3), 126(2), 115(2),
118(1), 109, 303(2), 61(2) and 352 of the Bhartiya Nyaya
Sanhita, 2023.

3. As per the allegation made in the FIR, the petitioner
along with other accused persons assaulted the nephew of the
informant, as a result, he sustained head injury and admitted in



C.H.C., Majhaulia and thereafter transferred to G.M.C.H., Bettiah for treatment.

4. It has been informed by the learned counsel appearing on behalf of the petitioners that the petitioner no.1 (Mantu Tiwari alias Shyama Kant Tiwari) is a teacher but he has not been able to inform this Court about the place of posting and name of the School of the petitioner no.1. It has also not been informed that the petitioner no.1 has communicated about the present FIR pending against him to his Controlling Officer.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the nature of allegation made in the FIR, the petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Bettiah/concerned court in connection with Majhaulia P.S. Case No.450 of 2024, subject to conditions as laid down under Section 438(2) of the Cr.P.C.



7. It is made clear that the tendency of a government servant in not informing his/her Controlling Officer is unwarranted and that constitutes misconduct.

8. The learned district court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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