

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87587 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- TILAUTHU District- Rohtas

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Bimlesh Tiwary S/o Late Mukhram Tiwari, Resident of Village- Dudhmidihri,
P.S.- Tilauthu, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Tilauthu P.S. Case No.77 of 2024 instituted under Sections 147, 148, 149, 323, 307, 427, 504, 506 of the Indian Penal Code.

3. As per the prosecution case, 11 accused persons came at the place of occurrence with *lathi*, *danda* and bricks and started abusing and brick batting in which the informant sustained injury on his left hand and his younger brother namely Vinish Tiwary received head injury.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He further submits that there is general and omnibus



allegation of brick batting against the petitioner and there is no specific allegation against the petitioner. Learned counsel submits that no case is made out under Section 307 of I.P.C. against the petitioner because there was no intention to kill the informant or his brother. He further submits that on the occasion of Holi, the informant was abusing the mohalla people in drunken position, then some scuffle took place between the mohalla people and the petitioner has been falsely implicated in this case. Learned counsel submits that similarly situated co-accused persons have been granted anticipatory bail by this Court as well as by a Coordinate Bench of this Court vide orders dated 28.08.2024 and 11.09.2024 passed in Cr. Misc. No.52291 of 2024 and Cr. Misc. No.60155 of 2024, respectively. He further submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial of the case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount to each to the satisfaction of the learned Judicial Magistrate, Dehri, Rohtas/ concerned Court in connection with Tilauthu P.S. Case No.77 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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