

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2765 of 2024

Arising Out of PS. Case No.-619 Year-2022 Thana- HARSIDHI District- East Champaran

Chhotan Tiwari S/O Late Lalbabu Tiwari Village- Bahrapur, Ward No. 1,
Ps. Harsidhi, Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 2854 of 2024

Arising Out of PS. Case No.-619 Year-2022 Thana- HARSIDHI District- East Champaran

1. Abhay Tiwari S/o Late Chandeshwar Tiwari Village Bahrapur, Ward No. 1, Police Station Harsidhi, District- East Champaran
2. Nitish Tiwari @ Kunal Kumar son late umesh tiwari Village Bahrapur, Ward No. 1, Police Station Harsidhi, District- East Champaran
3. Sonu Tiwari @ Ashish Tiwari Son of Late Chandeshwar Tiwari Village Bahrapur, Ward No. 1, Police Station Harsidhi, District- East Champaran
4. Kalyani Kunwer wife of late Umesh Tiwari Village Bahrapur, Ward No. 1, Police Station Harsidhi, District- East Champaran
5. Krishnawati Kunwer wife of late Chandeshwar Tiwari Village Bahrapur, Ward No. 1, Police Station Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2765 of 2024)

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 2854 of 2024)

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 31-01-2024

Since both the petitions arise out of same case i.e.,

Harsidhi P.S. Case No. 619 of 2022, both the petitions are being



heard together and disposed of by this common order.

Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners are apprehending arrest in connection with Harsidhi P.S. Case No. 619 of 2022, registered on 07.12.2022 for the offences under Sections 147, 149, 341, 323, 325, 326, 307, 354B, 379 and 504 of the Indian Penal Code.

3. As per prosecution case, the petitioners assaulted the informant and his family members with iron rod and lathi causing a number of injuries to them. Petitioner Chottan Tiwari is alleged to have caused fracture of the hand of the wife of the informant.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. For the same occurrence, Harsidhi P.S. Case No. 620 of 2022 has been registered against the informant's side. From the FIR, it is evident that the occurrence took place in the background of land dispute and both sides are agnates and next door neighbours. Learned counsel further submits that on account of cutting bamboo from a disputed land, scuffle took place between two sides and persons from both



sides received injuries. The injuries of the informant and his son are simple, whereas injuries of the wife of the informant is stated to be grievous due to fracture of her hand. Moreover, victims' injuries are not on any vital parts of the body. All the petitioners, except petitioners Abhay Tiwari and Nitish Tiwari, who are involved in one other case also, in which they are on bail, are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners and submits that a number of injuries were caused on the victims in the assault by the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-serious nature of injuries in the background of land dispute, let the petitioners above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran/concerned court in connection with Harsidhi P.S. Case No. 619 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and



other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

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