

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25924 of 2025

Arising Out of PS. Case No.-412 Year-2024 Thana- DAWATH District- Rohtas

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1. Ratneshwar Tiwary S/O Late Chaturanand Tiwary Resident of Village-Pamanpur, Police Station- Dawath, District- Rohtas.
 2. Barmeshwar Tiwary S/O Late Chaturanand Tiwary Resident of Village-Pamanpur, Police Station- Dawath, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-05-2025 Learned counsel for the petitioners submit that during the pendency of this petition, petitioner no. 2, Barmeshwar Tiwary has been arrested and as such he may be permitted to withdraw the prayer with regard to petitioner no. 2.

2. Permission accorded.

3. Accordingly, petition with regard to petitioner no. 2, Barmeshwar Tiwary stands rejected.

4. Heard learned counsel for the petitioner, the State as also the informant.

5. The petitioner is apprehending his arrest in connection with Dawath P.S. Case No. 412 of 2024 for the offence under sections 126(2), 115(2), 118, 109, 303(2), 74, 352, 351(2) and 3(5) of the B.N.S. lodged on 30.12.2024 by the



informant, Shashiprabha Devi.

6. As per the prosecution story, the informant alleged that due to dispute between the agnates, the assault took place in which informant's husband, Manoj Tiwary was assaulted by sharp weapon by this petitioner with an intention to kill, his head was seriously injured whereafter Santosh Tiwari and Balwant Tiwari also assaulted him with '*lathi*' when the father-in-law came to rescue, Shivshankar Tiwari assaulted by country-made pistol while on Barmeshwar Tiwari, there is allegation of assault and taking away the earring and gold chain. The injured was taken to Dawath Government Hospital for treatment and considering the seriousness, was referred to Sadar Hospital Sasaram and then to Varanasi Trauma Center. This led to the FIR.

7. Learned counsel for the petitioners submit that though allegation of assault is on Ratneshwar Tiwari, it is simple in nature and he further submits that the observation of the learned Sessions Judge regarding the injury being grievous is inaccurate. Further, there is counter case also in which the accused side have also suffered.

8. Countering the said submission, learned counsel for the informant submits that not only the correct observation has



been made by the learned Sessions Judge, the supplementary medical report of Manoj Tiwari dated 20.03.2025 which he has produced before the Court shows that the injuries suffered by Manoj Tiwari is grievous in nature.

9. It is unfortunate that without recording the statement in the petition that the observation of the learned Sessions Judge regarding injury is incorrect, a submission has been put forwarded before the Bench that it has been wrongly been observed as grievous.

10. Considering the allegation that has come coupled with the fact that the injury is grievous in nature, no relief can be extended to the petitioner.

11. The anticipatory bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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