

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47589 of 2015

Arising Out of PS.Case No. -306 Year- 2015 Thana –DEHRI NAGAR District- SASARAM
(ROHTAS)

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Ram Bihari Tiwary @ Shyam Bihari Tiwary, Son of Late Brindawan
Tiwary, Resident of Mohalla- Lala Colony, Dehri-on-Sone, P.S. Dehri
District Rohtas.

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 02-11-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Dehri Town
P.S. Case No. 306 of 2015 dated 03.07.2015 instituted under
Sections 467/468/471/419/420/120B of the Indian Penal
Code.

The allegation against the petitioner is that he
was engaged in transportation of coal illegally with forged
documents.

Learned counsel for the petitioner submits that
there is no finding with regard to the fact that the documents
were forged and fabricated and further the seizure list itself
shows that no trucks were seized. It is submitted that the
petitioner carries genuine business and even the documents
recovered mention the VAT and TIN number and thus the

same clearly shows that tax was also paid to the State.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the allegation against the petitioner is specific of having forged documents and if the defence that the documents are not forged is to be believed then the petitioner may move before the Court concerned and further if at all the petitioner has been wrongly made accused in a criminal case then he has remedy in law to seek compensation for malicious prosecution within the parameters of law.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits in accordance with law taking into consideration the submissions made on behalf of the petitioner, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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