

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4373 of 2018

Arising Out of PS.Case No. -274 Year- 2017 Thana -DAUDNAGAR District- AURANGABAD

- =====
1. Chandan Tiwary, S/o Brijkishore Tiwary
 2. Ramashankar Tiwary @ Budha Tiwary @ Budha, S/o Baban Tiwary
Both R/o Village Bhakharua, Tiwary Mohalla, P.S. Daudnagar, District-
Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate.

For the Opposite Party/s : Smt. Renuka Ratnakar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-01-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Daudnagar**
P.S. Case No. 274 of 2017 instituted for the offence under
Sections 147, 149, 323, 337, 338, 307, 224, 225, 333, 332, 353,
109 of the Indian Penal Code.

In the written report it is alleged that police arrested
petitioner No. 1 on the basis of non-bailable warrant of arrest
issued against him. Thereafter, the father of petitioner No. 1 and
his other family members started abusing the police party and
throwing bricks, stones etc. and got the petitioner No. 1 rescued
from the confinement of the police. It is further alleged that



petitioner No. 2 who was neighbour of the petitioner No. 1 along with other accused persons as named in the written report and 15-20 unknown persons threw bricks, stones etc. on the police party causing injury to them.

In this manner, there is general and omnibus allegation against petitioner No. 2.

Therefore, prayer for anticipatory bail of the petitioner No. 2 namely, Ramashankar Tiwary @ Budha Tiwary @ Budha is allowed. In the event of surrender/arrest of the petitioner No. 2, named above, within six weeks from today, in connection with **Daudnagar P.S. Case No. 274 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Sub Divisional Judicial Magistrate, Daudnagar, in the District of Aurangabad**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the



evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

So far petitioner No. 1 namely, Chandan Tiwary is concerned, there was non-bailable warrant of arrest against him and police had arrested him, but with help of his family members he managed to rescue himself from police confinement. Therefore, prayer for anticipatory bail of petitioner No. 1 is rejected.

Petitioner No. 1 may surrender before the court below and make prayer for regular bail which shall be considered/disposed off by the court below in accordance with law without being prejudiced by this order, if possible, on the same day.

(Sanjay Priya, J)

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