

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29716 of 2019**

Arising Out of PS. Case No.-22 Year-2016 Thana- THAKRAHA District- West Champaran

OM PRAKASH TIWARY Son of Rama Shankar Tiwary, Resident of Village-
Thakaraha, Police Station-Thakaraha, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra

For the Opposite Party/s : Mr.Syed Ehteshamuddin

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 07-05-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Thakaraha P.S.Case No. 22 of 2016, disclosing offences under Sections 341, 323, 447, 307 and 379/34 of the Indian Penal Code.

It is stated by the learned counsel for the petitioner that apparently because of some dispute over irrigation of agricultural field, the occurrence is said to have taken place. The police, upon completion of investigation, have filed their report under Section 173 of the Cr. P.C., wherein no material has been found against the petitioner. The learned court below has, however, taken cognizance of the offence and summoned this petitioner also, differing with the police report. In that



background, it is being argued that no purpose would be served if the petitioner is taken into custody, as the investigation is complete.

Considering the above submissions, this application is allowed. Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bagaha, West Champaran in Thakaraha P.S. Case No. 22 of 2016, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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