

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5877 of 2020**

Arising Out of PS. Case No.-29 Year-2019 Thana- NASRIGANJ District- Rohtas

AKHILESH TIWARI @ AMLESH TIWARI Son of Bharat Tiwari Resident
of Village - Dhowdiha, P.S.- Nasriganj, Dist.- Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 14-10-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State in absence of Ms.
Renuka Ratnakar, APP.

The petitioner in the present case is seeking pre-arrest bail
in connection with Nasriganj P.S. Case No. 29 of 2019 registered for
the offences punishable under Sections 341, 323, 504, 506 and 436 of
the Indian Penal Code.

Learned counsel for the petitioner submits that although in
the First Informant Report it is alleged that the petitioner and his
brother-in-law came to the place of occurrence on motorcycle and
threw a lightened match stick on the hut of the petitioner and
consequently the hut was burnt with the household materials and the
informant's cow also got some burn injuries, in fact in course of
investigation when the police went to the place of occurrence it was
found to be a *gairmajarua* land of the Government of Bihar. The I.O.



has not found any burnt hut or burnt animal or tree and no seizure list has been prepared in this connection.

Attention of this Court has been drawn towards the statement of the witnesses in paragraph '37' and '38' of the case diary wherein the fact has come that the husband of the informant is an accused in the case lodged by one Ambika Singh and the petitioner is a witness in the said case against the husband of the informant. The submission is that for the totally oblique reason in order to pressurize the petitioner not to depose in the said case a totally false case has been lodged against him.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner, however, is unable to demonstrate from the case diary that any burnt hut was found on the place of occurrence, moreover the land is said to be a gairmajarua Government of Bihar land and the facts with respect to the case in which the petitioner is a witness has come in the case diary.

Having regard to the facts and circumstances of the case and the materials which have been placed before this Court from the case diary, this Court is inclined to grant privilege of anticipatory bail to the petitioner, let petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bond of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -XV, Sasaram, Rohtas in



connection with Nasriganj P.S. Case No. 29 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

