

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15349 of 2020

Arising Out of PS. Case No.-263 Year-2019 Thana- KARAKAT District- Rohtas

AKHIL TIWARI @ BALAJEE TIWARI @ BALAJEE, aged 24 years, Male,
Son of Satyanarayan Tiwari, Resident of Village Gorari, P.S.- Karakat,
District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-11-2020 Heard Mr. Rajesh Kumar Singh, the learned counsel
for the petitioner and Mr. Kumar Ranjit Ranjan, the learned
Additional P.P. through video conferencing.

The petitioner apprehends his arrest in Karakat P.S.
Case No.263 of 2019, registered under Sections 457 and 380 of
the Indian Penal Code.

The informant in sum and substance alleged that in
the night of 06.10.2019 at about 12.15, her husband, who is
mentally ill, was sleeping after taking medicine. Her daughter
was also sleeping but she woke up after hearing the sound and
saw in the light of cell that Akhil Tiwari @ Balajee Tiwari, the
petitioner, was fleeing on roof after climbing to the stairs. Many
persons came and the daughter of the informant opened the
door. The informant disclosed that Rs.9000/- and ornaments
made of silver were missing from the box, which was found
opened.

Mr. Rajesh Kumar Singh, the learned counsel for the



petitioner submits that the occurrence took place in the night of 06.10.2019, but the daughter of the informant did not inform the police immediately after the occurrence. Even the villagers, who are said to have arrived at the place of occurrence on alarm, also did not inform the police. The police station is situated at ½ k.m. away from the house of the informant but the case was lodged only when the informant, who had gone out of her village, returned and the informant only thereafter filed the petition. It appears that the entire allegation is false and concocted. The petitioner is a co-villager and on account of some disputes of petty nature, the informant filed the case to settle score, but from perusal of the FIR and the case diary, it appears that the petitioner has no enmity with the informant. The daughter of the informant saw the petitioner fleeing away from her house. The petitioner kept firearm in his hand. The box was found opened and ornaments and cash were found missing. The witnesses have also reiterated the facts.

Taking into consideration the facts, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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