

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14482 of 2021**

Arising Out of PS. Case No.-338 Year-2020 Thana- RIVILGANJ District- Saran

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RAJNISH TIWARI @ MASTAN S/O OM PRAKASH TIWARI R/O
VILLAGE-MANPURA, P.S. RIVILGANJ, DISTRICT- SARAN

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-06-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Rivilganj P.S. Case No. 338 of 2020 registered for the offences punishable under Sections 188, 323, 332, 333, 353 and 504 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story when the Circle Officer went to Manpura village for removal of encroachment the petitioner and other co-accused had misbehaved and abused her and created hindrance



in official work.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has not hindered in any official work and the land, on which it is alleged that the encroachment has been made, is in favour of the petitioner. Learned counsel submits that the petitioner has got no criminal antecedent and is in custody since 12.10.2020.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the materials on the record that the general and omnibus kind of allegation against the petitioner and the co-accused as they had created hindrance in the work of the officials who had gone on the land in question to remove encroachment, in the impugned order it has come that as per the petitioner the said land belongs to him, considering the nature of the dispute, the fact that petitioner has no criminal antecedent and has remained in jail in connection with the present case since 12.10.2020, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner on bail on furnishing of bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Smt. Ruby Kumari, learned Judicial Magistrate-1st Class, Saran at Chhapra in connection with Rivilganj P.S. Case No. 338 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

