

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24026 of 2021

Arising Out of PS. Case No.-227 Year-2019 Thana- BRAHMPUR District- Buxar

AMAR NATH TIWARI S/o Vinay Tiwary R/o Village- Badaki Nanijor, P.S.-
Brahampur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2021 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with Brahampur P.S. Case No.227 of 2019, corresponding to G.R. No.1310/19, registered for the offence punishable under Sections 147, 149, 341, 323, 332, 333, 353, 427, 171(D) of the Indian Penal Code and section 131 of the Representation of the Peoples Act 1951.

The prosecution case in brief is that on account of problems being raised by some miscreants in polling of votes, the informant along with police party reached there and one boy



was stopped from casting vote as it was found that immovable ink was there on his finger. Thereafter, about 100 persons including the petitioner reached there and started brick batting which damaged the government vehicle and one person of Maharashtra Police was injured. The videographer and other polling staff also received injured.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case at the instance of some political enemy. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. He has not been named in the FIR. The injury report shows that two persons have only received one simple injury each. The entire prosecution case is false and concocted. Petitioner has no criminal antecedent.

Petitioner is ready to deposit Rs.10,000/- (Rs. Ten Thousand) in the Nazarat of the learned Civil Court at Buxar.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within



a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Brahampur P.S. Case No.227 of 2019, subject to deposit of a sum of Rs.10,000/- (Rs.Ten Thousand) before the Nazarat of the learned Civil Court, Buxar as also subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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