

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28614 of 2020

Arising Out of PS. Case No.-359 Year-2019 Thana- PARSA District- Saran

PRICE KUMAR TIWARI @ PRINCE TIWARI Son of Madan Tiwari
Residence of Village - Lalapur, P.S.- Parsa, District - Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Rajani Kumari, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 22-02-2021 Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Parsa P.S. Case No. 359 of 2019 registered for the offence under Sections 147, 148, 149, 448, 341, 342, 504, 324, 325, 354(B), 307 and 323 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story the petitioner along with other accused persons entered into the house of the informant and assaulted her by rod and danda due to which she sustained fracture injury on her head and when the husband and bhaisur of the informant came to save her they were also assaulted by the petitioner. It is also alleged that the petitioner had tried to outrage the modesty



of the informant by pulling her petticoat.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and the co-accused Akhilesh Tiwary has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 26662 of 2020. Learned counsel submits that there is no specific allegation of assault against the petitioner. It is submitted that the petitioner has got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner

Having regard to the facts and circumstances of the case, wherein it is alleged that this petitioner was one amongst the accused persons who had entered into the house of the informant started abusing her and on protest assaulted the informant and in the process it is alleged that the husband and bhaisur of the informant were also assaulted by Vishal Tiwary, Akhilesh Tiwary and Mental Tiwary giving farsa and knife blow on the different parts of the body, so far as the petitioner is concerned, he had pulled the string of petticoat of the informant, the learned court below has noticed the submission that the present case has been lodged by the informant as a counter blast



of Parsa P.S. Case No. 358 of 2019 lodged by Lalu Chaubey against the husband of the informant who is indulged in illicit liquor trade and considering that the co-accused Akhilesh Tiwary @ Akales Tiwary has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court after noticing that the doctor has not found any injury on the person of Chhotelal, there being a doubt with respect to the alleged manner of occurrence, this Court is inclined to grant privilege of anticipatory bail to the petitioner, let the petitioner above named be released on bail in the event of his arrest or surrender within a period of four weeks from today on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 2nd Saran at Chhapra in connection with Parsa P.S. Case No. 359 of 2019 subject to the condition as laid down under Section 438 (2) Cr.P.C. as under :

(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 antecedents of these petitioners and in case at any stage it is found that they have concealed their criminal antecedent, the court below shall take step for cancellation of their bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The 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'.

