

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38633 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Niraj Mani Tiwari, Son of Madhusudan Mani Tiwari, Resident of Village
Basant Bihar, Ward No. 39, Sariswa Main Road, P.S.- Bettiah Muffasil,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vashistha Narayan Mishra, Adv.
For the Informant	:	Mr. Prabhakar Sahai, Adv.
For the State	:	Md. Matloob Rab.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 29-06-2021 Heard Mr. Vashistha Narayan Mishra, the learned

Advocate for the petitioner and Mr. Prabhakar Sahai, the

learned counsel for the informant. The State is represented

by the learned APP, Md. Matloob Rab.

The petitioner seeks bail in anticipation of his

arrest in connection with Bettiah Town (Kalibagh O.P.) P.S.

Case No. 98 of 2020, dated 12.02.2020, instituted for the



offences under Sections 420 and 406 of the Indian Penal Code and Section 138 of the Negotiable Instruments Act, 1881.

By order dated 27.04.2021, this Court, after taking note of the submissions advanced on behalf of the petitioner, had permitted the informant of this case to file counter affidavit and had granted provisional bail to the petitioner.

The counter affidavit on behalf of the informant has been filed and is on record.

Mr. Prabhakar Sahai, the learned counsel for the informant has submitted that the petitioner had tried to mislead the Court below by listing of lesser number of cases than for which he has been charged in the past and that even with respect to disposal of a particular case, a wrong statement was made. Apart from this, it has been urged that he is not interested in getting the petitioner's anticipatory bail application rejected but what he really cares for is that he should be given his due of Rs. 5,00,000/-, which was promised to him.

On the aforesaid grounds it has been stated on



behalf of the informant that either the petitioner be asked to deposit the aforesaid amount, subject to his rights and contentions later in the case or the matter be sent to the Mediation Centre so that a proper consensus could be arrived at between the parties with respect to payment of the amount.

However, looking at the accusation in the F.I.R. and what has been noted in the order dated 27.04.2021, neither of the prayers made on behalf of the informant can be allowed.

For the facts stated in the order dated 27.04.2021, the provisional anticipatory bail granted to the petitioner, in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 98 of 2020, is, hereby, confirmed. The petitioner shall be allowed to remain on the same bail-bonds.

However, it is made clear that the petitioner shall participate in the trial, if the case goes to trial and his absence from the trial proceedings, without obtaining prior permission of the Trial Court, would render the bail granted to him liable to be cancelled.



With the aforesaid observation/direction, the application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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