

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4673 of 2021

Arising Out of PS. Case No.-504 Year-2020 Thana- BAGHA District- West Champaran

1. SHASHI BHUSHAN TIWARI S/o Late Jagdish Tiwari Resident of Vill.- Badgaon, P.S.- Bagaha, Distt.- West Champaran.
2. Chandra Bhushan Tiwari S/o Late Jagdish Tiwari Resident of Vill.- Badgaon, P.S.- Bagaha, Distt.- West Champaran.
3. Anup Tiwari @ Nippu Tiwari S/o Chandra Bhushan Tiwari Resident of Vill.- Badgaon, P.S.- Bagaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-11-2021 At the outset, it is submitted by learned counsel for the petitioner that during pendency of this application, petitioner nos. 1 and 2 have been arrested and, as such, he seeks permission to withdraw this application against petitioner nos. 1 and 2.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner nos. 1 and 2.

Heard learned counsel for the petitioner no. 3 and learned APP for the State.

Learned counsel for the petitioner no. 3 is expected to honour his undertaking to remove the defects as pointed out by



the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioner no. 3 apprehending his arrest in connection with Bagaha P.S. Case no. 504 of 2020 instituted for the offence under Sections 341, 323, 427, 353 and 34 of the Indian Penal Code and section 45 of the Bihar Prohibition and Excise Act.

As per allegation in the FIR, petitioner along with fifty unknown persons has created hindrance in discharging the duty to the police party when on secret information about business of illicit liquor by Shashi Bhushan Tiwari, they have reached to his house.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. There is no specific allegation of assault against this petitioner. He has got no criminal antecedent.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 3 on bail. The petitioner no. 3, namely, Anup Tiwari @ Nippu Tiwari is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in



connection with Bagaha P.S. Case no. 504 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Bettiah, West Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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