

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15154 of 2022**

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

PAWAN TIWARI @ PAWAN KISHOR TIWARI Son of Late Madan Tiwari  
R/o Village- Mainpura, P.S.- Rivilganj, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                         |
|----------------------------|---|-------------------------|
| For the Petitioner/s       | : | Mr.Ranjeet Kumar Pandey |
|                            |   | Mr.Rajesh Kumar         |
| For the Opposite Party/s : |   | Mr.Bhanu Pratap Singh   |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      22-06-2022                      Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Rivilganj P.S. Case No. 338 of 2020 registered for the offences punishable under Sections 188, 323, 332, 333, 353, 504 and 34 of the Indian Penal Code.

As per prosecution case, the informant alleged in her written report that on 18.09.2020 she along with officials reached to village Mainpura to remove the encroachment over land in question where petitioner and others started abusing and misbehaving and they also created obstruction in removing



encroachment.

Learned counsel for the petitioner submits that petitioner is in custody since 18.01.2022 and bears criminal antecedent of two cases on account of land dispute between the parties as same is counter cases of the same village and petitioner is on bail in the aforesaid cases. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. It has been submitted that the land in question is ancestral land of the petitioner and is in possession of petitioner and the family members who were made accused in this case. The Circle Officer without initiating any encroachment proceeding or without giving any notice to the petitioner and others who have been made accused in this case went on spot and tried to dispossess the petitioner and others who were family members.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released 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 Smt. Ruby Kumari, learned Judicial Magistrate, 1<sup>st</sup> Class, Saran at Chapra in connection with Rivilganj P.S. Case No. 338 of 2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

Shahzad/-

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