

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25972 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- DARIHAT District- Rohtas

Niranjan Tiwari S/O Kameshwar Tiwari @ Rameshwar Tiwari R/o village-
Paruhar, P.S.- Darihat, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 147, 148,
149, 341, 323, 379, 504, 506, 353 of the Indian Penal Code and
Sections 56(1), 56(2) of BMMC Rule, 2019 and Section 15 of
Environment Protection Act 1986.

According to prosecution case, on the basis of fard-
beyan of informant namely, Anamika Kumari in brief is that on
15.01.2022 in the light of the direction of SDO, Dehri she along
with other officials reached near Madhya Vidyalaya, Paruhar in
the meantime she saw that three tractors loaded with sand



standing near the road and on seeing the police party two tractors were trying to fled away after unloading the sand and one tractor driver flee away after leaving the tractor. The police team tried to overpower him but he managed to run away. Thereafter, the local villagers were assembled there and one Kundan Singh hit on the Tyre of the tractor by means of bricks who was also managed to run away. The sand loaded on the tractor was unloaded.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is neither owner nor the driver of the vehicle in question and there is no question of illegal mining and creating obstruction in the discharge of public duty as alleged in the F.I.R. He further submits that it appears from the F.I.R. itself that there is general and omnibus allegation against the petitioner and there is specific allegation against one co-accused Kundan Singh and the petitioner has no concern at all with the co-accused namely Kundan Singh.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other



than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Darihat P.S. Case No. 11 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the



petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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