

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50841 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- BASANTPUR District- Siwan

Rakesh Tiwary Son of Lalan Tiwary Resident of Village Nagauli, P.S.
Basantpur, District Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in Basantpur P.S.
Case No.140 of 2020, registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 324, 307, 337, 338,
188, 269, 270, 271, 504 and 506 of the Indian Penal Code and
Section 51(b) of the NDMA, 2005. Later on, Section 302 of the
Indian Penal Code was added.

The accusation in the FIR is that several persons (39
named and 40-45 unnamed) assaulted the informant and his
friend which led to injuries on the informant and death of one
Md. Rafique Alam.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. It is further submitted that there is general and omnibus allegation against all the accused persons including the petitioner and nothing specific has been attributed against him. It is submitted that the FIR has been lodged against the petitioner along with 39 named and accused persons and 40-45 unknown and there is no any specific allegation of assault against the petitioner. It is further submitted that similarly situated persons have already been granted bail by different coordinate Benches of this Court. It is lastly submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application.

Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

Taking into consideration the fact that nothing specific has been attributed against the petitioner, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Siwan in connection with Basantpur P.S. Case No.140 of 2020, subject to the conditions laid down under Section 438(2) of the



Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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