

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3263 of 2021

Arising Out of PS. Case No.-74 Year-2018 Thana- MAHILA P.S. District- Siwan

Shiv Kumar Tiwary, aged about 24 years, Gender-Male, Son of Jaglal Tiwary
@ Jagnarayan Tivari, Resident of Village - Bharatpura, P.S. - G.B. Nagar,
District – Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prashant Kumar, Advocate
For the Opposite Party : Mr. Aditya Narayan Singh-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-07-2022 The present case has been listed before this Bench as
per minutes of Hon'ble the Chief Justice.

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

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Siwan Mahila P.S. Case No. 74/2018 for the offence
registered under Sections 376(D) of the I.P.C., 4 and 8 of the
Prevention of Children from Sexual Offences Act and Sections
3(2)(v)(a) of the Schedule Caste and Schedule Tribe (Prevention



of Atrocities) Act.

The prosecution story, in brief, is that while the informant alongwith her friend, namely, Sangita Kumari, was going to see '*Durga Puja Fare*' in *Tarwara village* and when they reached near some isolated place, five persons including Guddu Tiwari, Ranjit Tiwari, Arun Tiwari and two others who slapped and took them in a field and committed rape upon them. It is also alleged that the accused persons threatened them to the effect that if the matter will be disclosed to any one then their family would be killed.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case in course of investigation as to when the petitioner is a co-villager of the victims. Other co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 4365 of 2020 under order dated 30.06.2020, annexed as Annexure-4 to the present anticipatory bail application.

On behalf of the State, it is submitted that the



petitioner is not named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO, Siwan, in connection with Siwan Mahila P.S. Case No. 74/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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