

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45223 of 2022**

Arising Out of PS. Case No.-283 Year-2021 Thana- JANTA BAZAR District- Saran

Jai Prakash Tiwari Son Of Bhola Tiwari R/O Village- Harpur Kothi, P.S.-  
Janta Bazar, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate  
For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      16-11-2022                      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 Sections 147, 148,  
149, 341, 342, 323, 324, 307, 504, 506 of the Indian Penal Code  
and Section 27 of the Arms Act.

According to prosecution case, informant Shivkant  
Kumar has filed this case against nine accused persons  
including the petitioner alleging therein that his cousin brother  
was candidate of Mukhiya. On 24.11.2021 when he alongwith  
his cousin brother Nishikant Tiwari was going to see booth, on  
the way, all the accused persons surrounded and began to abuse.  
They all caught hold of him and his cousin brother and



petitioner Jai Prakash Tiwari caused injury with Farsa on the head of the informant. Then co-accused Tapeshe fired from pistol on the head of his cousin brother but he narrowly escaped. On alarm when his driver came for rescue, he was also assaulted.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the present case is counterblast of Janta Bazar P.S. Case No. 282 of 2021 filed by the wife of the co-accused against the informant and other co-accused persons. He further submits that it appears from the F.I.R. that the allegation against the petitioner is that he assaulted the informant by Farsa but the injury to the person of informant suggests that the injury is simple in nature.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent 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 Janta Bazar P.S. Case No. 283 of 2021, 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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