

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58344 of 2022

Arising Out of PS. Case No.-203 Year-2022 Thana- SUGAULI District- East Champaran

1. Dharmendra Tiwary S/O Bratdeo Tiwary Resident of Village- Kurum Tola Ward No- 3, P.S.- Sugauli, District- East Champaran,
2. Jitendra Tiwary S/O Bratdeo Tiwary Resident of Village- Kurum Tola Ward No- 3, P.S.- Sugauli, District- East Champaran,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-11-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners submits that during the pendency of the petition, petitioner no. 1 has been arrested and as such, this anticipatory bail petition has become infructuous with respect to petitioner no. 1. He seeks permission to withdraw this petition with respect to petitioner no. 1

Permission is accorded.

The anticipatory bail petition of petitioner no. 1 is dismissed as withdrawn as having become infructuous.



The petitioner no. 2 is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 353, 427, 504, 506 and 34 of the Indian Penal Code.

Allegation against the petitioner no. 2 is that he abused the informant who is Circle Officer, Sugauli and threatened by saying that you will be ready for consequences.

Learned counsel for the petitioner no. 2 submits that the petitioner no.2 is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation of assault or abuse is against co-accused namely Dharmendra Tiwary and there is no specific allegation of assault or any abuse against the petitioner. He further submits that the petitioner no. 2 has been falsely implicated in the present case because he is brother of co-accused Dharmendra Tiwary.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner no. 2 carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner no. 2, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Court below where the case is pending in connection



with Sugauli P.S. Case No. 203 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 witness, 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 antecedents, 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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