

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18233 of 2023

Arising Out of PS. Case No.-36 Year-2020 Thana- AURAI District- Muzaffarpur

Ram Babu Tiwari, Son of Late Sogarath Tiwari R/O Village- Jagatpur, P.S.-
Aurai, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking pre-arrest bail in connection with Aurai P.S. Case No. 36 of 2020 registered for the offences punishable under Sections 341, 323, 354, 506/34 of the Indian Penal Code. He has one criminal antecedent.

As per the prosecution story, on 21.01.2020 at about 09:00 A.M. this petitioner, his wife and his two sons took compost from the field of the informant and used it in their own field. It is alleged that when the informant stopped them from doing this, the wife of the informant started abusing him and the petitioner's side started assaulting him.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel submits that there is no evident



injuries as per the injury report. It is submitted that the FIR has been lodged on 12.02.2020 with respect to the occurrence which took place on 21.01.2020.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, the petty nature of dispute in which it is alleged that the petitioner was taking compost from the field of the informant whereupon a dispute took place in which the petitioner and his wife allegedly hurled filthy languages on the informant and assaulted her, the FIR in this case has been lodged on 12.02.2020 with respect to the occurrence which took place on 21.01.2020 and no evident injury has been shown to this Court, this Court directs in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Aurai P.S. Case No. 36 of 2020 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-Ist Class, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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