

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25760 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- BASANTPUR District- Siwan

Prabhu Tiwari Son Of Late Baidehi Tiwari R/O Village- Jagatpur Tiwari Tola,
P.S.- Basantpur (LAKARI Naviganj O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Basantpur P.S. Case No. 302 of 2022 registered for the
offences punishable under Sections 341, 323, 324, 307, 302 and
120(B) of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and he has been
falsely implicated in the present case alleging that it was at his
instance that the deceased accompanied him to a field and after
going 200 meters away from the house, it is alleged that this
petitioner along with another accused caught the deceased and
Tarun inflicted a *tangi* blow causing death of the deceased.

4. Learned counsel for the petitioner submits that



from perusal of the allegations as alleged in the FIR it would manifest that the informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion, it is also submitted that it absolutely does not stand to reason that if the deceased had any apprehension from the petitioner then definitely he would not have accompanied him on his mere asking. It is further submitted that even the petitioner was not present at the place of occurrence as he was admitted in K.G.N. Clinic at Marhowrah Mohan Bagan, Saran as would be evident from Annexure-2 to the anticipatory bail application which also includes the medical certificate of Dr. Farzand Ahmad Ansari.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. At this stage, the learned counsel for the petitioner seeks permission to withdraw the present anticipatory bail application.

7. Permission is accorded.

8. Accordingly, the present anticipatory bail application is dismissed as withdrawn.

9. However, in the event, if the petitioner surrenders before the learned trial court, the learned trial court without being prejudiced by the withdrawal of the present anticipatory



bail application shall deal the case on its own merit by applying
its independent mind.

(Satyavrat Verma, J)

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