

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47680 of 2023

Arising Out of PS. Case No.-227 Year-2019 Thana- BRAHMPUR District- Buxar

1. Sandip Tiwari 2. Ganesh Tiwari Both Sons Of Surendra Tiwari All Resident Of Village- Barki Nainijor, Ps- Barahampur (NAINIJOR), Distt- Buxar	 Petitioner/s
Versus	
The State of Bihar	 Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Setu Prateek, Advocate
For the Opposite Party/s :	Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Brahmpur (Nainijor) P.S. Case no.227 of 2019 instituted under Sections 147, 149, 341, 427, 323, 332, 333, 353, 171(D) of the IPC and 131 of the Representation of the People Act, 1951 lodged on 19.05.2019 by the informant Vikash Kumar.

As per the prosecution story, the informant was deputed as the Zonal Magistrate for Brahmpur Assembly Election (Nooth No.133 to 193) when he got information that a boy who had come to cast vote, as in his finger, the ink mark was present, he was returned. However, he went outside and informed the locals that he has been prohibited from casting his



vote. Infuriated, the public started pelting stone which damaged the vehicle as also injury caused to one Maharashtra official, Deepal Balwant Barang. Accordingly, the FIR.

Learned counsel for the petitioners submit that number of people have been rounded of, the petitioner being one of them. They were simply present there to cast their votes. They do not have criminal antecedents.

Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners on their own would like to contribute Rs.5000/- each towards the Chief Minister Relief Fund through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that they have lowered the image of the State of Bihar by injury a Maharashtra official.

Considering that omnibus allegation is against number of accused persons, the petitioners do not have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail subject to the payment of Rs.5000/-each as undertaken above by the learned counsel for the petitioners.

Let the petitioners be released on anticipatory bail, in



the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Brahmpur (Nainijor) P.S. Case no.227 of 2019 to the satisfaction of learned Judicial Magistrate, Ist Class, Court No.12, Buxar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make themselves available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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