

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48392 of 2022

Arising Out of PS. Case No.-836 Year-2021 Thana- AGAMKUAN District- Patna

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AVI RAJ @ AVIRAJ TIWARY S/o Shyam Narayan Tiwary Resident of Ward
No.39, House No 89, Tiwari House, Hariom Nagar, Rupaspur, P.S.- Rupaspur,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP.

Mr. Arvind Kumar Pradhan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-03-2023 Heard the parties.

Learned counsel for the petitioner undertakes to remove
the defect (s), as pointed out by the office, within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 406, 420, 504,
506/34 of the Indian Penal Code and Section 138 of N.I. Act.

Allegedly, the petitioner, along with other accused
persons, grabbed the amount of Rs. 7 lacs of the informant in
fraudulent manner. They also abused and threatened the
informant.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No



such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that he was made accused in this case because he is the brother of one Sagar Narayan Tiwary. There is no role of petitioner in the commission of alleged offence and only with a view to make pressure upon co-accused Sagar Narayan Tiwary, the name of the petitioner has been inserted in this case. He further submits that in Cr.Misc.No. 52829 of 2022 vide order dated 24.03.2023, the dispute has been settled and the accused Sagar Narayan Tiwary was ready to hand over the bank draft of Rs. 1,50,000/- in the name of the informant through the learned counsel for the informant. He was also ready to hand over the rest amount within the eight months. Petitioner has four criminal antecedents as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as the dispute has been settled, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Agamkuan P.S. Case No. 836 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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