

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54875 of 2023

Arising Out of PS. Case No.-1452 Year-2022 Thana- PHULWARISHARIF District- Patna

Mayank Tiwari @ Mayank Kumar Tiwari S/O- Arjun Tiwari @ Tiwari Arjun
Bhai Resident Of Village Arjun Bhai 27 Chanchal Nagar Kapodara Alias
Kapodra Varchha Road, P.S- Surat City, Dist- Surat

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Avinash Kumar Singh S/O- Arya Kumar Singh R/O- F.C.I. Road,
Khalilpura, P.S.- Phulwarisharif, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr.Advocate
	:	Mr.Himanshu Ranjan, Advocate
For the Opposite Party/s	:	Mr.Pramod Kumar Pandey, APP
For the Informant	:	Mr. Chandra Mohan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-12-2023 Heard Mr.Krishna Prasad Singh, learned senior

counsel appearing for the petitioner, Mr.Chandra Mohan Jha,

learned counsel for the informant and Mr.Pramod Kumar

Pandey, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Phulwarisharif P.S.Case No.1452 of 2022, FIR
dated 24.11.2022 registered for the offences punishable under
Sections 366,506,504 of IPC.

3. Allegation against the petitioner is that he inducted
the informant's wife and took away her forcibly and her
jewellery and also blackmailed and threatening the informant



and his wife.

4. Learned senior counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 20.11.2022 but the present FIR has been instituted on 24.11.2022 after delay of four days without giving any explanation of delay. Further submits that the victim was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has clearly stated that she had gone herself with the petitioner with her own sweet-will and the petitioner has not committed anything wrong with her.

5. Learned counsel for the informant and learned APP for the State, on the other hand, on the basis of the material available on the record and the case diary, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that from a bare perusal of the 164 Cr.P.C. statement of the victim it appears that the petitioner has kept all ornaments of the victim and he is not ready to give the ornaments of the victim. Further submits that the petitioner carries one more case



other than the present one but fairly submits that the petitioner has been acquitted by the learned court below itself, as mentioned in para-3 of the bail petition.

6. Learned senior counsel for the petitioner submits that from a bare perusal of the 164 Cr.P.C. statement of the victim it appears that the statement of the victim is vague she has not stated anything that which types of ornaments she has handed over to the petitioner.

7. Considering the aforesaid facts, let the petitioner, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Patna in connection with Phulwarisharif P.S.Case No.1452 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient



reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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/her 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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