

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60562 of 2023

Arising Out of PS. Case No.-9 Year-2022 Thana- MAHARAJGANJ District- Siwan

MANISH TIWARI @ GOLU, S/O BALIRAM TIWARI R/O PIPRA
KHURD, PS- MAHARAJGANJ, DIST- SIWAN, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Abhijeet Abhigyan, Advocate
For the State : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-10-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.

2. The petitioner is apprehending his arrest in
connection with Maharajganj P.S. Case No. 09 of 2022
registered for offence under Sections 341, 323, 324, 307, 379,
354, 504, 506 and 34 of Indian Penal Code.

3. As per prosecution case, the accused persons
including the instant petitioner have arrived at the door of the
informant's house and indiscriminately assaulted the informant,
his brother, as also the informant's wife.

4. Learned counsel for the petitioner submits that
specific allegation of assault is leveled against co-accused
Mantu Rai, Sandip Tiwari and Deepak Thakur. Against the
petitioner, there is no specific allegation. *Mantu Rai* has since



been enlarged on regular bail. The petitioner, having no antecedents, has been dragged in this case only because of his proximity with the other co-accused persons though he did not participated in the occurrence.

5. Learned APP for the State has opposed the prayer for bail. He has submitted from the case diary, as recorded in the order passed by learned Additional Sessions Judge, III, Siwan, rejecting the petitioner's prayer for bail, it is obvious that the victims have sustained injuries.

6. Considering the rival submissions, lack of specific allegation against the petitioner, claim bases on parity with co-accused *Mantu Rai*, as also clean antecedents, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned A.C.J.M. 1st Class, Siwan, in connection with Maharajganj P.S. Case No. 09 of 2022, subject to the conditions as laid down in



Section 438(2) of the Code of Criminal Procedure as also
subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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