

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64886 of 2022

Arising Out of PS. Case No.-456 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Chandan Tiwari @ Chandan Kumar Tiwari, Son Of Vinod Tiwari @ Binod
Kumar Tiwari, R/O Vill.- Tiwari Tola, P.S.- Sangrampur, Distt.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 16-01-2023 This case is listed for hearing out of turn on

account of mentioning that the case arises out of Agniveer

agitation and the petitioner is to appear in Indian Army

Agniveer Examination, 2023.

Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Bettiah



Town P. S. Case No. 456 of 2022, registered for the offences punishable under Sections 143, 147, 148, 149, 341, 323, 353, 332, 333, 338, 435, 307, 427, 504, 120(B), 395, 412 of the Indian Penal Code; Section 27 of the Arms Act, 1959; and Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984.

The prosecution story as emerges from the FIR is that on information that the students of Bihar called strike in regard to protest on 17.06.2022 against the Central Government Scheme Agniveer, the informant in order to pacify the situation arrested the petitioner and others as a member of mob.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that the petitioner was arrested during Agniveer movement. It is very difficult for the police to identify any person in the crowd and the name of the petitioner has been given only on the basis of suspicion. He further submits that investigation in this case is complete and charge-sheet has already been submitted.



He further submits that the petitioner has been languishing in jail since 17.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town P. S. Case No. 456 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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