

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72229 of 2022

Arising Out of PS. Case No.-388 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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MANISH KUMAR @ MANISH TIWARI S/O RAJESHWAR TIWARI
Resident of Village- Lakshmi Nagar, Banuchappar, P.S.- Bettiah Muffasil,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

Mr. Anant Kumar Mishra

For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2023 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Bettiah Town Police Station Case No. 388 of 2021,
dated 26.06.2021, disclosing offences under Sections
341/323/324/384/307/504/ 506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, as per the First Information
Report based upon the written report of the informant, dated
21.06.2021, in nut shell, is that while the informant was sitting
in the Office of the R.E.O., Bettiah, six named accused persons,
including the petitioner, along with two unknown persons,



arrived there and assaulted him on the ground that the informant was preventing them to get the tender and upon the orders of co-accused Alok Kumar, the petitioner fired upon the informant, but the bullet did not hit him and thereafter co-accused Atul and Subham assaulted him and caught his legs and hands and co-accused persons, namely, Alok and Vikash inflicted knife blows on the back side of the informant's right chest.

Learned Senior Counsel for the petitioner submits that upon bare perusal of the First Information Report, it would be evident that there is delay of five days in lodging the First Information Report inasmuch as the alleged incident took place on 21.06.2021 and the First Information Report has been lodged on 25.06.2021. The First Information Report is not a fardbayan recorded by the police officer; rather, the informant has given a written report to the police officer of Chatauni Police Station after a delay of five days without any plausible explanation. He next submits that taking into consideration this aspect, a co-ordinate Bench of this Court has granted anticipatory bail to co-accused Abhishek Rai, vide order, dated 15.09.2022, passed in Criminal Misc. No. 13257 of 2022. He also submits that admittedly the firing resorted by the petitioner did not hit the informant and other co-accused persons, namely, Atul Kumar



and Alok Kumar have been granted bail by co-ordinate Benches of this Court, vide orders, dated 19.05.2022 and 16.12.2022, passed in Criminal Misc. Nos. 66267 of 2021 and 54569 of 2022, respectively.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is delay of about five days in lodging of the First Information Report, the informant did not receive any injury due to the alleged firing made by the petitioner and similarly situated co-accused persons have been granted bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Manish Kumar @ Manish Tiwari, in the event of his arrest or surrender before the Court below within a period of four weeks, 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 Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Bettiah Town Police Station Case No. 388 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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