

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60155 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- TILAUTHU District- Rohtas

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Rambelas Tiwary @ Belas Tiwary S/o Late Jai Ram Tiwary Resident of
Village- Dudhmi Dehri, PS- Tilauthu, Distt. - Rohtas Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Saroj Kumar, learned counsel for the
petitioner and Mr. Binod Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Tilauthu P.S. Case No. 77 of 2024, F.I.R. dated 26.03.2024 registered for the offences punishable under Sections 147, 148, 149, 323, 307, 427, 504 and 506 of the Indian Penal Code.

3. According to the prosecution case, 11 accused persons came at the place of occurrence with *lathi, danda and bricks* and started abusing and brick batting in which the informant sustained injury on his left hand and his younger brother namely Vinish Tiwary received head injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused persons namely Anil Tiwary and Sunil Tiwary @ Sunil Kumar Tiwary have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 28.08.2024 passed in Cr. Misc. No. 52291 of 2024.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is no specific allegation of any assault or overt against the petitioner as well as co-accused persons have been granted the privilege of anticipatory bail, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas in connection with Tilauthu P.S. Case No. 77 of



2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 criminal antecedent, 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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