

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64070 of 2023

Arising Out of PS. Case No.-371 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Ranjeet Tiwary @ Ashutosh Kumar Son Of Mathura Tiwary Resident Of
Village - Bhakharua Mor, Tiwary Tola, P.S. - Daudnagar, District-
Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2024 Heard Mr. Bhaskar Shankar, learned counsel for the

petitioner and Mr. Shyam Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Daudnagar P.S. Case No. 371 of 2023, F.I.R.
dated 17.06.2023 for the offences punishable under Sections
307, 379, 341, 323, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, the father of the
informant on instigation of his three nephews including the
petitioner was selling the ancestral land and all the accused
persons including the petitioner assaulted the informant due to
which he sustained injury.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per the F.I.R, 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 and due to admitted land dispute, the present occurrence took place.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries 1 criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Sub Divisional Judicial Magistrate, Daudnagar, District-Aurangabad in connection with Daudnagar P.S. Case No. 371 of 2023, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 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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