

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84807 of 2023

Arising Out of PS. Case No.-17 Year-2022 Thana- VIJAYEPUR District- Gopalganj

JAIPRAKASH TIWARI @ JAI PRAKASH TIWARI SON OF DHROOP
DEV TIWARI R/O VILLAGE- KARAMACHAR, P.O.- JAGDISHPUR, P.S.-
VIJAYIPUR, DIST.- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Mishra, Adv.
Mr. Alok Abhinav, APP.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-01-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341 & 504 of the Indian Penal Code, Section 12 of POCSO Act and later on, the cognizance has been taken under Section 509 of the Indian Penal Code and Section 12 of POCSO Act.

3. Allegedly, petitioner is said to have shown his private part to grand daughter of the informant and when the informant along with others went to the house of the petitioner for complaining for the same, the accused petitioner came out of his house having rifle in his hand and started abusing them.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely



implicated in this case due to ulterior motive. He is a retired government servant. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. It is further submitted that after the investigation, the police has filed the final form against the petitioner, but differing from the final form, the learned Court below took cognizance against him. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the police has filed the final form against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bijaipur Case No. 17 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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