

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19066 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- DUMRAO District- Buxar

Sunil Kumar Tiwari S/o- Late Srinivas Tiwari R/o Village- Rajdiha Ps-
Dumaron Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-05-2025 Heard Mr.Rajiv Ranjan Kumar Pandey, learned
counsel for the petitioner and Mr.Navin Kumar Pandey, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Dumraon P.S. Case No.237 of 2024, dated 08.07.2024 registered for the offences punishable under Sections 467,468,471,420/34 of IPC.

3. Allegation against the petitioner and other co-accused persons is that they have embezzled and amount of Rs. 10,00,000/- (Ten Lakhs) from the informant, namely, Ram Bihari Tiwary by way of execution of forged sale deed.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and



fabricated and the petitioner has not committed any offence as alleged in the FIR. As per FIR, allegation against the petitioner and other co-accused persons is that they have taken the amount from the informant and not executed the deed of sale in favour of the informant with respect to the property in question. As per allegation in the FIR, petitioner has received Rs. 3,00,000/- (Three Lacs) from the informant and co-accused person, namely, Ravi Kumar Upadhyay has received Rs. 6,50,000/- (Six Lacs Fifty Thousand) and co-accused person, namely, Gopal Tiwary has received Rs. 50,000/- (Fifty Thousand) from the informant. Learned counsel for the petitioner submits that co-accused person, namely, Ravi Kumar Upadhyay is likely to return Rs. 6,50,000/- (Six Lacs Fifty Thousand) to the informant and on that basis, co-accused person, namely, Ravi Kumar Upadhyay and Krishan Kumar Pandey @ Krishna Kumar Pandey have been granted provisional anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 27.03.2025 passed in Cr. Misc. No.74619 of 2024. Learned counsel for the petitioner, on instruction, fairly submits that the petitioner is also ready to return Rs. 3,00,000/- (Three Lacs) to the informant, namely, Ram Bihari Tiwary at the time of furnishing bail bond.



5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. In view of the aforesaid, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No.237 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS,2023 and with other following conditions:-

(I) At the time of furnishing bail bond, the petitioner shall deposit Rs. 3,00,000/-(Three Lacs) by way of demand draft in favour of the informant, namely, Ram Bihari Tiwary and the learned court below is directed to hand over the said demand draft to the informant or his representative.

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

(III) 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.

(IV) 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/her 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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