

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77702 of 2024

Arising Out of PS. Case No.-227 Year-2019 Thana- BRAHMPUR District- Buxar

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Bihari Tiwari Son of Ramji Tiwari @ Dhamani Tiwari Resident of Village -
Barki Nainijor, P.S. - Brahampur (Nainijor), District - Buxar (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the State : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-02-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Brahmpur (Nainijor) P.S. Case No. 227 of 2019 registered for the offence under Sections 147, 149, 341, 427, 323, 332, 333, 353 and 171(D) of the Indian Penal Code and section 131 of the Representation of the People Act, lodged on 19.05.2019 by the informant, Vikash Kumar.

3. As per the prosecution story, the informant was deputed as the Zonal Magistrate for Brahmpur Assembly Election (Nooth No.133 to 193) when he got information that a boy who had come to cast vote, as in his finger, the ink mark was present, he was returned. However, he went outside and informed the locals that he has been prohibited from casting his vote. Infuriated, the public started pelting stone which damaged the vehicle as also injury caused to one Maharashtra official, Deepal Balwant Barang. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



though the learned Sessions Judge passed an order on 28.03.2022 with regard to Sandip Tiwari, Ganesh Tiwari and Bihari Tiwari, they approached this Court, he could not as he was away.

5. Learned APP on the other hand opposes the prayer for bail submitting that the matter related to the year 2019 and after an inordinate delay as also more than two and half years after the learned Sessions Judge rejected the prayer for anticipatory bail, the same has been filed.

6. This court finds force in the submissions of the learned APP, the petitioner cannot be allowed to leisurely walk before the Court seeking relief admittedly, the F.I.R. is of the year 2019 and the learned Sessions Judge rejected the anticipatory bail application on 28.03.2022.

7. In that background, the anticipatory bail stands rejected.

8. However, if the petitioner surrenders within a period of four weeks the Trial Court shall take up the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

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