

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85219 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- MAIRWAN District- Siwan

Lakki Tiwari Son of Late Dhannjay Tiwari R/O – Village - Panditpura, P.S -
Mairwa, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-02-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 341,
342, 307, 504 and 506 of the Indian Penal Code as well as
Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of three cases and the informant
alleges that on account of election dispute, he had gone for a
Panchayati at Jiradei where Sujit Singh, Devendra Mishra and
Golden Singh started abusing him and threatened as to why he
did not support their candidate in the election. Further, after the
Panchayati was over, the aforesaid three accused persons left the
Panchayati before the informant and when the informant
proceeded towards his home and reached near Bangra village



when he was intercepted by named accused persons including the petitioner along with 10 unknown accused and thereafter Lucky Tiwari (petitioner) made a video call to Tribhuban Tiwari who gave orders to kill the informant on which petitioner fired on him causing injury on back side of the head and thereafter Mukesh and Vikash also fired but missed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that there is specific allegation against this petitioner of causing firearm injury on orders given by Tribhuban Tiwari on video call thereafter it is alleged that Mukesh and Vikash also fired but then missed. It is next submitted that from perusal of the injury report of the informant contained in Annexure-2 to the anticipatory bail application, it would manifest that the same records that informant suffered only one injury on right occipital region of scalp and the injury was lacerated in nature. It is submitted that the injury report does not even remotely suggest that the said injury was caused by firearm and the injury has been opined to be simple in nature. It is thus submitted that on account of dispute relating to election, the present false case



came to be instituted.

5. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against this petitioner of causing firearm injury to the informant on his head but then is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that Annexure-2 i.e. the injury report of the injured does not corroborate the allegation as alleged in the FIR. Learned A.P.P. further submits that investigation in the case against the petitioner is continuing and if privilege of anticipatory bail is granted, the petitioner may abscond on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds 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 Mairwa P.S. Case No. 158 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

8. It is made clear that if the charge-sheet is submitted against the petitioner recording that the injury suffered by the informant was caused by firearm in that event the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

