

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52070 of 2014

Arising Out of PS.Case No. -730 Year- 2013 Thana -AHIAPUR District- MUZAFFARPUR

1. Nilesh Tiwary @ Mama son of Sri Binda Tiwary, resident of village-
Amaitha, P.S.- Saraiya, District- Muzaffarpur.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Bharat Bhushan(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 04-03-2015

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Ahiyapur
P.S. Case No. 730 of 2013 registered for the offences punishable
under Sections 364, 365/34 of the Indian Penal Code.

Allegedly, Navin Kumar the elder brother of the
informant was kidnapped by unknown miscreants and during
investigation co-accused Nikki Devi, Jiwachh Kumar have
confessed their guilt in their confessional statement stating the
name of others also and from the room of the petitioner documents
of Navin Tiwary has been recovered.

Submission is that there is no legal and cogent
evidence in the entire case diary against the petitioner Navin
Tiwary had not gone with paper and as such recovery of some
documents from the room of the petitioner is a plantation. There is

no other material to connect the complicity of the petitioner in the crime and moreover, in this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. The petitioner is suffering in custody since 28.11.2014.

In the facts and circumstances stated above and considering that in this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional Sessions Judge, Muzaffarpur in Sessions Trial No. 227 of 2014 arising out of Ahiyapur P.S. Case No. 730 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)

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