

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.6715 of 2015**

Arising Out of PS.Case No. -309 Year- 2014 Thana -DANAPUR District- PATNA

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Dharmendra Tiwary Son of Prammatma Tiwary R/O Village- Bhakura, P.S.  
Simri, District- Buxar.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Adv

For the Opposite Party/s : Mr. Umeshnand Pandit(App)

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

4      09-07-2015      Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offence punishable under Section-307 of the Indian Penal Code and Section-27 of the Arms Act, this Court by taking into account that the petitioner is a security guard posted at ATM and that the firing from his gun was purely incidental, which also has been found by the police during the course of investigation, this Court, keeping in view that he has also got no criminal antecedent and was also given interim relief of not being arrested during the pendency of this application, would find the petitioner entitled for

privilege of anticipatory bail.



If the petitioner namely, **Dharmendra Tiwary**, surrenders within a period of four weeks from today, he would 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 **A.C.J.M. Danapur** in connection with **Danapur P.S. Case No. 309 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-

(i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner who will give an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(iii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioner is implicated in any other case of

similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iv) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on the date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner will be well represented on each and every date of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

**(Mihir Kumar Jha, J)**

Ranjan/-  

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