

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38205 of 2016

Arising Out of PS.Case No. -163 Year- 2014 Thana -PHULWARIA District- BEGUSARAI

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Saheb Tiwary @ Saheb Tiwari Son of Dharmendra Tiwari@Amindar
Tiwary Resident of Village- Sokhara Tiwari tola P.S. Fulwaria, District
Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Mohammad Shabbir Alam, Advocate.

For the Opposite Party/s : Mr. Sri Nand Kumar, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 06-10-2016

This is an application, made under Section 439 of the Code of Criminal Procedure, seeking bail for the accused-petitioner, namely, Saheb Tiwary @ Saheb Tiwari, in connection with Phulwaria Police Station Case No. 163 of 2014, under Sections 147,148,149 and 302 of the Indian Penal Code and 27 of the Arms Act.

Perused the above application and materials on record.

Heard Mr. Syed Mohammad Shabbir Alam, learned Counsel for the petitioner, and Mr. Sri Nand Kumar, learned Additional Public Prosecutor, appearing on behalf of the State.

In view of the fact that the accused above-named has been in custody since 22.08.2015 in connection with the case aforementioned and though *charge sheet* has been submitted, trial has not yet commenced, similarly situated co-accused has

been granted anticipatory bail by a Bench of this Court by the order, dated 11.08.2015, passed in Cr. Misc. No.30780 of 2015, and perusal of the materials available does not reveal such incriminating materials, which would warrant further detention of the accused-petitioner in custody, and in view also of the fact that the perusal of the materials does not reveal that the accused-petitioner's liberty on bail would adversely affect his trial, it is, in the interest of justice, hereby directed that the accused above-named shall be released on bail of Rs. 10,000/- with two sureties, each of the like amount, subject to the satisfaction of the learned Additional District Judge, 7th, Begusarai, in connection with Phulwaria P.S. Case No. 163 of 2014, Tr. No. 303 of 2016.

This direction for bail is further subject to the condition that the accused above-named shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application shall stand disposed of.

(I.A. Ansari,CJ)

Prakash/-

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