

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20310 of 2016

Arising Out of PS.Case No. -141 Year- 2014 Thana -BHABHUA District- BHABHUA (KAIMUR)

Sudhakar Tiwary S/o Saroj Kumar Tiwary @ Nachaku Tiwary
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-05-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 457, 380, 427, 504 and 411 of the Indian Penal Code.

Prosecution case is that in the night of 01.04.2014 theft was committed in the house of the informant when accused persons could not take the motorcycle and L.C.D. TV but took away two mobile phones and Rs.1000/- cash. Subsequently, the SIM of one of the stolen mobile was recovered from the brother of the petitioner namely Ganesh Tiwary, who confessed that he along with the petitioner committed theft. He also confessed that he received the SIM from co-accused Sunil Singh.

It is submitted by learned counsel for the petitioner that except the confession of brother of the petitioner no evidence has

been collected against the petitioner. The FIR was registered in 2014 when the arrest warrant of the petitioner was obtained in 2016. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail till conclusion of investigation, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Kaimur, in connection with Bhabua P.S. Case No.141/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bond of the petitioner will be accepted on filing of the affidavit by the petitioner before the learned court below to the effect that he will regularly co-operate in the investigation. Non-cooperation in the investigation by the petitioner will give liberty to the learned court below to cancel the bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

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