

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36075 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -VIJAYPUR District- GOPALGANJ

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1. HIRDAYA NARAIN TIWARY , Son of Late Gharbharan Tiwary.
2. DEVEMDRA TIWARY @ DEVENDRA MISHRA, Son of Shivdan Mishra. Both resident of Village Puraina, P.S. Vijaypur, District – Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 14-09-2016 This is an application, made under Section 439 and 490 of the Code of Criminal Procedure, seeking bail for the accused-petitioners, namely, Hirdaya Narain Tiwary and Devendra Tiwary @ Devendra Mishra in connection with Vijaypur Police Station Case No. 87 of 2016, under Sections 25 (1-B) A/26/35 of Arms Act.

Perused the above application and materials on record.

Heard Mr. Vikash Ratan Bharti, learned Counsel for the petitioners, and Mr. Harendra Prasad, 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 22.06.2016 in connection with the case aforementioned and though *charge sheet* has been submitted, perusal of the materials available on record does not reveal such incriminating materials, which would warrant further detention of

the accused-petitioners 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 their 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 Chief Judicial Magistrate, Gopalganj, in connection with Vijaypur Police Station Case No. 87 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)

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