

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56942 of 2017

Arising Out of PS.Case No. -190 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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1. Santosh Kumar Tiwari @ Annu Tiwari, Son of Ram Kumar Tiwari,
resident of Village- Sherpur, P.S. Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since
12.05.2016 in connection with Barauni (Refinery) P.S. Case
No. 190 of 2016 for offences punishable under Sections 399,
402, 414, 34 of the Indian Penal Code and Sections 25(1-B)a,
26, 35 of the Arms Act.

The prosecution case, as lodged by the informant
police personnel, is that on secret tip off that some persons
have assembled to commit crime, the police apprehended the
petitioner, who was standing beside the car. The police also
arrested six persons sitting in the car, while one person
managed to flee away. On search one country-made pistol



loaded with one live cartridge and two live cartridges was found. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and no overt act has been committed by him. He submits that one of the co-accused, who was apprehended along with the petitioner, has already been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 40101 of 2016 on 02.12.2016. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent and one more case of serious nature is pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai, in connection with Barauni (Refinery) P.S. Case No. 190 of 2016, subject to the condition that both the bailors would be a



close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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