

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24894 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -BIKRAMGANJ District- SASARAM (ROHTAS)

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Radheshyam Tiwary @ Krishna Tiwary, son of Mahendranath Tiwary,
resident of Village- Dharupur, P.S.- Bikramganj, District- Rohtas.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance:

For the Petitioner : Mr. Om Prakash Upadhyay, Adv

For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 01-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 11.01.2017 in connection with Bikramganj P.S. Case No. 06 of 2017 for the alleged offences under Sections 272 and 273 of the Indian Penal Code, Section 30(a) of the Bihar Excise Act and Section 25(1-b)A, 26 and 35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated in connection with the alleged recovery of a country made loaded pistol of .315 bore with three live cartridges, two mobile phones and 130 litres of foreign liquor bottled in various quantities. Recovery of the offending goods from the possession of the petitioner is denied. It is further submitted that there is no independent witness whatsoever to the seizure list which casts serious doubt about the veracity of the allegations. The petitioner is neither the owner nor the hirer of the vehicle from which the seized articles were allegedly recovered and hence the petitioner was in no way involved with the occurrence. The petitioner claims



clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case as well as the period of custody since 11.01.2017 already suffered, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., Bikramganj, Rohtas in connection with Bikramganj P.S. Case No. 06 of 2017 on the following conditions :-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

Chandran/BT

(Vikash Jain, J)

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