

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57229 of 2017

Arising Out of P.S.Case No. -80 Year- 2016 Thana -KASIMBAZAR District- MUNGER

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Kundan Tiwary S/o Sri Gulab Tiwary, R/o Village- Barauni, P.S.-
Phulwaria, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nilesh Kumar, Advocate

For the Opposite Party : Smt. Sahin Begam, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Kasim Bazar P.S.
Case No. 80/2016 for offences punishable under Section 394 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is that
while he being a driver along with Accounts Clerk had withdrawn
Rs. 10 lakhs, two miscreants snatched the said amount.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and is languishing in judicial custody since 24.07.2017.

He submits that no T.I. Parade has been done so far and
charge-sheet has already been submitted. He further submits that
his name surfaced only on the confessional statement of co-



accused Kundan Tiwary along with five others and some of the co-accused has been granted privilege of bail by the learned court below itself. The similarly situated co-accused Raja Tiwari who disclosed the name of this petitioner has also been allowed bail in Cr.Misc.No.48121 of 2017.

The learned APP opposed the submissions.

Considering the facts and circumstances, prayer for bail is allowed. 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 Chief Judicial Magistrate, Munger, in connection with Kasim Bazar P.S. Case No. 80/2016, subject to the conditions that :

(i) 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.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the court below for cancellation of his bail bonds.

(Sanjay Kumar, J)

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