

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60215 of 2018

Arising Out of PS. Case No.-120 Year-2016 Thana- PATAHI District- East Champaran

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Dipak Tiwary, Son of Late Ajay Tiwary, Resident of Village- Nunforwa, P.S.-
Patahi, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 11-10-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Patahi P.S. Case No. 120 of 2016 registered for the offence punishable under Sections 395 of the Indian Penal Code 27 of Arms Act.

FIR was lodged against 10-12 unknown persons. It is alleged in the FIR that while he was returning after closing his cloth shop, two persons armed with weapons surrounded and assaulted him by means of Chhura and Hasua and fired as a result of which he sustained injuries and also snatched Rs. 14,000/-, mobile phone and motorcycle. Name of petitioner has surfaced in this case only on the basis of confessional statement of co-accused Vishal Kumar and Mithu Kumar. Nothing has been recovered from his possession and he has never been put on T.I.P. Co-accused persons, namely Vishal Paswan and Mithu Kumar have been granted bail by a co-ordinate Bench of this Court vide order



dated 13.07.2017 passed in Cr. Misc. No. 22851 of 2017 and order dated 11.04.2018 passed in Cr. Misc. No. 21234 of 2014 respectively. Petitioner has been remanded in this case on 05.01.2018 and since then he is in custody.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari, in connection with Patahi P.S. Case No. 120 of 2016 subject to the conditions that:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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