

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1427 of 2019

Arising Out of PS. Case No.-207 Year-2018 Thana- CHAKIA District- East Champaran

Kumod Tiwari, aged about 22 years, (M), Son of Lal Babu Tiwari Resident of
Village-Bahuara Harivansh, P.s-Kalyanpur, District-East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur Mr. Shashank Shekhar Ms. Swati Sinha Mr. Udbhav.
For the Opposite Party/s	:	Smt. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-04-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 414 and 120(B) of the Indian Penal Code, under Sections 25(1-b), 26 and 35 and under Sections 20/22 of the N.D.P.S.

Informant who is the police officer has stated that on 21.08.2018 when he was on patrolling duty saw three persons boarded on Apache motorcycle and on seeing police party all started to flee away but they were apprehended and on search one country made pistol and two live cartridges were recovered from the possession of petitioner and from the possession of co-accused Pawan Kumar @ Mitthu one 12 bore



pistol and five live cartridges were recovered. It has been further stated that beneath the seat of motorcycle 500 gm of charas has been recovered.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Nothing has been recovered from his conscious possession. He is in custody since 22.08.2018.

Considering the allegation and recovery of firearm from the possession of petitioner, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail **after completing one year of jail custody by the court below** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **N.D.P.S. Case No. 48 of 2018 arising out of Chakiya P.S. Case No. 207 of 2018**, with following condition:-

(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 properly represented on each and every date fixed by the court and shall remain



physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(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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