

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15086 of 2019

Arising Out of PS. Case No.-578 Year-2018 Thana- BRAHMPUR District- Buxar *

1. Ram Jee Tiwary, S/o Dharm Raj Tiwary Resident of Village-Barki Nainijor, P.S.-Nainijor, District-Buxar.
2. Dharm Raj Tiwary, S/o Late Shiv Lochan Tiwary Resident of Village-Barki Nainijor, P.S.-Nainijor, District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-03-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of Brahmpur (Nainijor) Police Station Case No. 578 of 2018 disclosing offences punishable under Sections 363/366 (A) of the Indian Penal Code and Section 8 of POSCO Act.

The petitioner no. 2 is the father of one Munna Tiwary and the petitioner no. 1 is his son.

On perusal of the statement of the victim recorded under Section 164 of the Cr.P.C., I find that there is no allegation against these petitioners. On the basis of what has been alleged in the said statement, it cannot be said that any



offence punishable under Section 366 (A) or any provision of the POSCO Act is made out against them.

In view of the facts and circumstances, as noted above, this application is allowed.

Let the petitioners, above-named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge, 1st-cum-Special Judge, Buxar in connection with Brahmpur (Nainijor) Police Station Case No. 578 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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