

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21711 of 2019

Arising Out of PS. Case No.-51 Year-2016 Thana- SACHIVALAYA District- Patna

1. MUKESH TIWARI Son of Sri Vijay Tiwari, Resident of Village-Bhabhangama, P.S-Krishnagarh, District-Bhojpur, Ara.
2. Guddu Tiwari Son of Late Gulab Tiwari, Resident of Village-Bhabhangama, P.S-Krishnagarh, District-Bhojpur, Ara.
3. Raju Tiwari Son of Bhola Tiwari Resident of Village-Bhabhangama, P.S-Krishnagarh, District-Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Opposite Party/s : Mr.Nitya Nand Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 356 and 379 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Anand Kumar submitted before the Station House Officer, Sachiwalya Police Station is to the effect that on 10.06.2016 at 11.10 A.M., the informant withdrew Rupees Two Lac from the State Bank of India, Sichai Bhawan Branch, but on the way, two motorcycle borne miscreants robbed the amount,



from the informant, leading to registration of FIR against unknown. The name of the petitioners sprang up on the basis of confessional statement of co-accused Govind Mishra and Pappu Mishra to the effect that the petitioners used to keep watch over the people who used to withdraw money from the bank.

It is submitted by learned counsel for the petitioners that except the confessional statement of co-accused, no material has been collected against the petitioners during investigation and only on the basis of suspicion, the petitioners have been roped in the present case. Though the petitioners are accused in one other case, but in that case the name of the petitioners sprang up on the basis of confessional statement of co-accused and they have been granted anticipatory bail.

It is submitted by learned APP for the State the name of the petitioners sprang up on the basis of confessional statement of co-accused.

Considering the fact that the name of the petitioners sprang up on the basis of confessional statement of co-accused and there being no recovery from the conscious physical possession of the petitioners, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks



from today, 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 ACJM, Patna in connection with Sachiwalaya P.S. Case No.51 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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