

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64662 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- SAHODARA District-
West Champaran

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Subhas Chandra Tiwari @ Subhash Chandra Tiwari Son of Fulena Tiwari
Resident of Village-Kesharia, Police Station Shikarpur, Distt.-West
Champaran, at present resident of Village-Jamuniya Dewath Kata Tola,
Police Station Sahodara, Distt.-West Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 419 and 420 of the Indian Penal Code
registered in connection with Sahodara P.S. Case No. 71 of 2017,
Trial No. 2687 of 2017.

3. It is submitted that the petitioner has been falsely
implicated even though the F.I.R. has been instituted on the basis
of the petition said to have been filed by numerous persons and
only three of such persons namely, Sharda Sah, Vijay Sah and
Santosh Kumar are said to have been examined by the police but
all three persons have later denied having been examined by the
police (Annexure-2). It is submitted that except aforesaid three
persons, none of the signatories to the complaint has been
examined by the police. A specific stand has been taken at the Bar
that the petitioner has never carried out the work of Durga X-ray
and Test Laboratory. It has further been stated that the petitioner



had been granted the privilege of Section 41(A) of the Cr. P.C. and had been appearing before the police and cooperating in the inquiry.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, District- West Champaran in connection with Sahodara P.S. Case No. 71 of 2017, Trial No. 2687 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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