

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1784 of 2019

Arising Out of PS. Case No.-187 Year-2018 Thana- MANJHAGARH District- Gopalganj

Aditya Tiwari @ Annu, Son of Ajay Tiwari, Resident of Village-Pachrukhiya,
P.S.- Barauli, District-Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha
For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 03.07.2018 in a case registered for the offences punishable under Sections 399, 400 and 402 of the IPC and Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case, as per the self-statement of Manish Kumar, S.H.O., Manjhagarh Police Station, dated 02.07.2018, addressed to the learned Chief Judicial Magistrate, Gopalganj is to the effect that on 01.07.2018, the informant received a secret information that some miscreants are planning to commit dacoity and have assembled in a dilapidated Reliance petroleum dealership, when after making Sanha diary entry, the informant constituted a raiding team and subsequently raid was laid,



leading to arrest of three accused persons including the petitioner. From the possession of the petitioner, country made loaded pistol and cartridge were recovered.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, since only three persons were apprehended, the offence under Section 319 IPC is not made out. It is further submitted that the seizure list witness were the police personnel and the petitioner has remained in custody for more than 6 months. A statement has been made in paragraph no.3 of the petition that though, the petitioner is involved in seven other cases, but in all the cases, either he has been granted bail or he has been acquitted.

Learned APP submits that the petitioner is apprehended on the spot.

Considering the period under custody, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with Manjhagarh P.S. Case No. 187 of 2018.

Learned Court below will be at liberty to cancel the bail bonds of the petitioner if he substantially gets involved in



some serious nature of offence.

(Dinesh Kumar Singh, J)

Amrendra/-

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