

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19469 of 2020**

Arising Out of PS. Case No.-883 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

GAJ KESHWAR TIWARI S/o Binda Tiwari Resident of Village- Dhewaha,
Post Office- Kanti, P.S.- Kanti, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Chandna
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-07-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 272, 273, 399, 402 of the Indian Penal Code
and 25(1-b)a, 26, 27 and 35 of the Arms Act.

Prosecution case, in short, is that while the police party
reached the place of occurrence, the accused persons variously
armed, who were present for committing an offence, started fleeing
away but were apprehended.

It has been submitted on behalf of the petitioner that the



petitioner is in custody since 7.12.2019 and has got no criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. There is no recovery of arms or liquor from the conscious possession of the petitioner. The petitioner has been made accused due to mistake of fact. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of Special Judge, Excise Act, Muzaffarpur in connection with Kanti P.S. Case No. 883/19, G.R. No. 2395/19.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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