

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17889 of 2020**

Arising Out of PS. Case No.-232 Year-2019 Thana- SANGRAMPUR District- East
Champaran

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PINTU TIWARI S/o Birendra Tiwari R/o Village-Siswa Sirni, P.S.-Malahi,
District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court
proceeding.

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

The petitioner in the present case is seeking regular
bail in connection with Sangrampur P.S. Case No. 232 of 2019
registered for the offences punishable under Sections 399, 402,
414 of the Indian Penal Code and 25(1-1), 26 and 35 of the
Arms Act.

Learned counsel submits that from a bare perusal of
the First Information Report it will appear that three persons
were arrested by police allegedly while they were going on the



motorcycle without having registration number. So far as this petitioner is concerned, nothing incriminating has been recovered from his possession. Recovery of arm and live cartridges have been specifically attributed to the co-accused.

Learned counsel submits that the petitioner has been falsely implicated in this case because earlier he had deposed as a witness in a murder case of his neighbour and the persons who had grievance with him got him involved in the present case and the police arrested him from his House.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering that nothing has been recovered from the possession of the petitioner. He is in jail custody since 22.10.2019, investigation against him is complete and there is no argument on behalf of the State that the release of the petitioner at this stage is in any way likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran at Motihari in connection with Sangrampur P.S. Case No. 232 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

