

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21282 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- BARH District- Patna

Rajeshwar Tiwari, son of Late Awadh Tiwary, resident of village Barauni
Sugraha Tiwari Tola, P.S. Phulwaria, District Begusarai

..... Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 28-08-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State, through
video conferencing.

The petitioner seeks regular bail in connection with
Barh Police Station Case No. 14 of 2020, registered for the
offence punishable under Sections 399/402/414 of the Indian
Penal Code and Sections 25(1-b)a/26/35 of the Arms Act.

The allegation against the petitioner is that the police
got a secret information that some criminals, in order to commit
loot, have gathered near S.B.I. Bank, Barh branch, proceeded
towards the place of occurrence and arrested three persons
including the petitioner along with two motorcycles. It has
further been alleged that from the possession of the petitioner,
two live cartridges, a sum of Rs. 25,000/- and one mobile was
recovered along with one motorcycle, having no registration



number. From the possession of other co-accused persons, fire-arm was recovered by the police.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the petitioner has got no criminal antecedent and after arrest of the petitioner in this case, he has been remanded in Mokama Police Station Case No. 05 of 2020, registered for the offences punishable under Sections 356/379 of the Indian Penal Code, in which he has been granted bail by the court below. He further submits that insofar as other cases, said to be pending against the petitioner in the impugned order of the Court below, are concerned, the petitioner has filed a supplementary affidavit stating therein that till date the petitioner has not been remanded in Athmalgola Police Station Case Nos. 158 and 220 of 2019. He further submits that the motorcycle, which has been recovered from the possession of the petitioner, belongs to the petitioner, for which the petitioner has annexed relevant documents of the ownership of the motorcycle in question. He next submits that the petitioner is in custody since 10.01.2020.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits that the petitioner has been made accused in three other cases



and, thus, he does not deserve privilege of bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has remained in custody for about eight months and he was not having any criminal antecedent, however, he has been remanded in one case after the institution of the present First Information Report, in which he has been granted bail, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, in connection with Barh Police Station Case No. 14 of 2020, if the petitioner is not wanted in any other criminal case.

It is also made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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