

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25442 of 2020**

Arising Out of PS. Case No.-500 Year-2019 Thana- MASHRAK District- Saran

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JITESH KUMAR TIWARI Son of Krishna Tiwari Resident of Village -  
Tarwara, P.S. - Tarwara, District – Siwan.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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**Appearance :**

For the Petitioner : Mr. Satya Prakash, Advocate.  
For the State : Mr. Madhuranand Jha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

3      13-11-2020              Heard learned counsel for the petitioner and the learned  
A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with  
Mashrak P.S. Case No.500 of 2019 registered under Section 394  
of the Indian Penal Code.

The accusation is that the informant Santosh Kumar  
Prasad along with his two brothers, namely, Ajay Kumar Prasad  
and Vikas Kumar, proceeded from his grocery shop, situated at  
village-Bahrauli Market, with cash Rs.2,87,000/-, keeping in a  
black colour bag, boarding on motorcycle bearing Registration  
No.BR29AH-1676 in the late evening of 18.11.2019. When the  
informant along with his brothers reached beneath Maharajganj-  
Masrak Railwayline bridge, then two persons, boarding on one



motorcycle, and one person, boarding on another motorcycle, came and surrounded them. From the motorcycle, on which two persons were sitting, one person got down from the motorcycle and pointed the pistol at the head of the informant and started to snatch the bag, which was in the hand of Vikas Kumar, the brother of the informant, but he did not give the bag. Thereafter, another person came and caused injury at the head of Ajay Kumar, the brother of the informant, through the butt of the pistol. Thereafter, Vikas, due to fear, handed over the bag to them. They also snatched the mobile of the informant and the mobiles of his two brothers and started to flee away. Thereafter, the informant and his brothers raised alarm of thief-thief, then on hearing the 'Hullah', people of neighbouring village of the informant reached there. In course of fleeing away of miscreants, one person fell down from his motorcycle in a canal but he concealed himself in a bush but with the help of villagers, he was apprehended after three hours, who disclosed his name as Bachchan Kumar Yadav alias Pradeep Kumar Yadav and he also disclosed the name of his two associates as Jitesh Kumar Tiwari (petitioner) and Babloo Ansari alias Jainuddin Ansari.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the name of the petitioner has surfaced in this case in the confessional statement of the co-



accused Bachchan Kumar Yadav alias Pradeep Kumar Yadav, who is said to be apprehended by the villagers after three hours, but no incriminating was recovered from his possession. In fact, the co-accused Bachchan Kumar Yadav alias Pradeep Kumar Yadav, is the resident of neighboring village of the petitioner and due to dispute with him and the petitioner, which has arisen in between them, in course of playing the cricket match, he disclosed the name of the petitioner. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-VI, Saran at Chapra, in connection with Mashrak P.S. Case No.500 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

**(Rajendra Kumar Mishra, J)**

P.S./-

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