

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28491 of 2020**

Arising Out of PS. Case No.-387 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

Chhotu Tiwari S/o Ashok Tiwari Resident of Village-Charitravan, P.S.-Buxar
(Town), District-Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

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

3 03-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Rina
Sinha, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail
in connection with Buxar (Muffasil) P.S. Case No. 387 of 2018
registered for the offences punishable under Sections 399, 402, 414
of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the
Arms Act.

Learned counsel for the petitioner submits that the name
of the petitioner has transpired in the statement of the apprehended
accused. It is alleged that while police party was intercepting the
vehicles, this petitioner who was there in the second vehicle had
allegedly fled away towards Chausa.



Learned counsel submits that save and except the bald allegations that this petitioner was there in the said vehicle, he had allegedly fled away and did not stop on asking by the police party, there is no other material to connect the petitioner in this case. It is also submitted that co-accused similarly situated has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cri. Misc. No. 4729 of 2020.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case wherein there is no independent material brought to the notice of this Court showing that the petitioner was identified in the said vehicle by any independent witness and then the co-accused similarly situated have been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Buxar (Muffasil) P.S. Case No. 387 of 2018, 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. Buxar, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the 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;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

It is recorded that the petitioner has got one criminal antecedent as stated in paragraph '3' of the petition and learned counsel for the petitioner has submitted that the petitioner is on bail in this case. While accepting the bail bond, learned court below shall verify this fact and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

