

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18205 of 2021

Arising Out of PS. Case No.-404 Year-2019 Thana- MAJHAULIA District- West Champaran

Kundan Tiwari @ Chandrabhushan Tiwari, aged about 25 years, Male, Son
of Baleshwar Tiwari Resident of Village- Belwa Awaraiya P.S. Banuchhapar
O.P. (Bettiah Mufassil), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Majhauria PS Case no. 404 of
2019 instituted for the offence under Sections 399, 402 and 414
of the Indian Penal Code and Sections 25(1-b)/a/26/35 of the
Arms Act.

There is alleged recovery of firearms from co-accused
Sonu Chaudhary and Purshottam Dubey. The petitioner is stated
to be member of the unlawful assembly.



Petitioner's counsel submits that it is a case of false implication. On account of several antecedents, the petitioner's name has been dragged in this case. The co-accused Purshottam Dubey, from whom, arms have been recovered has already been allowed bail in Cr. Misc. No. 83222 of 2019(Annexure-2). The other similarly situated co-accused Pappu Patel has also been allowed bail in Cr. Misc. No. 16292 of 2020. In the instant case the petitioner is in custody since 23.08.2020.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Majhauria PS Case No. 404 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how



he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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