

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22628 of 2021**

Arising Out of PS. Case No.-464 Year-2020 Thana- DHAKA District- East Champaran

DEVINDRA TIWARI @ DEVENDRA TIWARI SON OF RAM POOKAR
TIWARI R/O VILLAGE- JAMUA, P.S.- DHAKA, DISTRICT- EAST
CHAMPARAN.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ramakant Yadav,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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

2 17-08-2021 At the outset, learned counsel for the petitioner has informed this Court that today a supplementary affidavit has been filed on behalf of the petitioner in which one more criminal antecedent has been disclosed. Learned counsel submits that in the two cases against the petitioner he is on bail.

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 Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Dhaka P.S. Case No. 464 of 2020 registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 337, 307, 153A, 295A and 427 of the Indian

Penal Code and Section 27 of the Arms Act. He is in custody since 13.01.2021.

Learned counsel for the petitioner submits that on a bare perusal of the First Information Report, it will appear that there are general and omnibus allegations against a large number of persons. The petitioner is not named as one of those who had entered inside the mosque. No overt act has been alleged against the petitioner and the allegation that from outside the petitioner was firing is totally false as the petitioner has neither any licensee firearm nor any illegal firearm has been recovered from possession of the petitioner.

It is further contended that the co-accused who had entered inside mosque have been granted bail.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case discussed hereinabove, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Sikarhana (Dhaka), East Champaran in connection with Dhaka P.S. Case No. 464 of 2020, subject to the conditions as laid down under Section 437(3) 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, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 the court below shall verify the criminal antecedent of the petitioner 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.