

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36301 of 2020

Arising Out of PS. Case No.-306 Year-2019 Thana- EKMA District- Saran

Abhishek Tiwari @ Abhishek, S/o Sri Manoj Tiwari, r/o Village- Shreepur
p/s- Sahajitpur District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 29-01-2021 Heard learned counsel for the petitioner and State.

The petitioner is in custody in connection with Ekma
P.S. Case No. 306 of 2019 for the offence under Sections 395
and 397 of the Indian Penal Code.

In the instant case there was a loot of Rs.58,700/-.

Learned counsel for the petitioner submits that the
petitioner was not named in the F.I.R. The F.I.R. was lodged
against unknown. He further submits that in a case registered
against unknown, the prosecution was obliged to identify the
real culprit in the Test Identification Parade, which has not been
done in this case. The petitioner is in custody since 10.02.2020.

Considering the fact that the petitioner is in custody
since 10.02.2020 in a case registered against unknown, yet he
has not been put on TIP, the petitioner, named above, is directed



to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Saran at Chapra in connection with Ekma P.S. Case No. 306 of 2019 subject to the condition that the petitioner shall deposit Rs.25,000/- (Twenty five thousand) cash in the court below and the same shall abide by the final outcome in the trial i.e. if the petitioner is acquitted the amount of Rs.25,000/- shall be refunded in favour of the petitioner, otherwise it shall be forfeited.

(Anil Kumar Upadhyay, J)

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