

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2159 of 2021

Arising Out of PS. Case No.-552 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Mukesh Tiwari @ Mukesh Kumar Tiwary @ Mukesh Kumar son of
Krishnadeo Tiwary @ Kishundeo Tiwary Resident of Village- Kushi, P.S.
Kanti, District- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar
2. The State of Bihar R/O Kushi Ps Kanti Dist Muzaffarpur

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Kanti P.S. Case No. 552/2019 registered for

the offences punishable under Section 397 of the Indian Penal

Code.

As per the First Information Report, some unknown

miscreants armed with pistol entered into the office of D.T.D.C.

courier company and snatched mobile of the informant and

other customers and also took the bag and key of the almirah



and looted Rs. 26 lakhs cash kept in almirah, and the miscreants hit on the head of the informant by pistol. It is alleged that apart from taking cash, they were also taken away 20-25 mobile phones, DVR of C.C.T.V. camera and one Apache Motorcycle of the office staff.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on mere suspicion. Learned counsel submits that petitioner is not named in the F.I.R. nor any incriminating articles has been recovered from his possession. Petitioner is in custody since 27.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that from the seizure list it would appear that one TVS Star Motorcycle has been recovered from the house of he petitioner but the said motorcycle is in the name of the father-in-law of the petitioner and in this regard the document of ownership has been placed at Annexure '3' in the present application, further submission that the co-accused Raushan Kumar, Nand Kishore Kumar and Kunal Kumar and Bittu Chaudhary @ Bittu Kumar Chaudhary have been granted bail by learned coordinate



Benches of this Court in Criminal Miscellaneous Applications (Annexure '4' series), petitioner has remained in jail in connection with this case since 27.08.2020 and prior to the present case he had one case on his head in which he is on bail, let the petitioner above named be released on bail on furnishing of bail bond 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. (West), Muzaffarpur, in connection with Kanti P.S. Case No. 552/2019, subject to the condition 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 he is suspected, and

(c) that such 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 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

