

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39830 of 2020

Arising Out of PS. Case No.-159 Year-2019 Thana- NAUTAN District- Siwan

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JAI KISHOR TIWARY, aged about 35 years (Male) son of Shankar Ji Tiwary,
Resident of Village- Shaidpura, P.S.- Goreya Koti, District- Siwan.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Nagendra Upadhyay, Advocate

For the Opposite Party : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 06-12-2021 Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

This application for anticipatory bail arises out of
Nautan P.S. Case No. 159 of 2019 for the offence punishable
under Sections 30(A)/41(i) of the Bihar Prohibition & Excise
Act, 2016.

It is being submitted by learned counsel for the
petitioner that the petitioner had already sold the motorcycle, in
question, to one Rabindra Tiwary and in support of the same the
petitioner has annexed the affidavit of the parties at Annexure-2
to this bail application.

Considering the aforesaid fact, let the petitioner
the petitioner, above named, in the event of his his
arrest/surrender within four weeks from today in the Court



below, be released on bail *till submission of chargesheet* on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Siwan, in connection with Nautan P.S. Case No. 159 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall join the investigation by approaching the Investigating Officer and produce the relevant documents about transfer of the vehicle, in question, to Rabindra Tiwary. If during the investigation it comes that it is Rabindra Tiwary, who was the owner of the vehicle at the time of occurrence then the anticipatory bail granted to the petitioner shall be confirmed by the Court below after submission of the chargesheet. If during the investigation it comes that it is the petitioner, who was the owner of the vehicle at the time of occurrence and he has produced false and fake paper for obtaining the bail then, the petitioner shall be dealt with in accordance with law.

(Sandeep Kumar, J)

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