

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15936 of 2022**

Arising Out of PS. Case No.-1044 Year-2021 Thana- PHULWARISHARIF District- Patna

Binod Tiwari Son of Late Girideo Tiwari Resident of Hetanpur, P.S.- Dana-  
pur, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

For the Opposite Party/s: Mr. Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      03-08-2022                      Let the defect, if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Phulwari Sharif (Janipur) P.S. Case No. 1044 of 2021 lodged  
under Sections 395 of Indian Penal Code and later on Section  
412 of the Indian Penal Code has been added.

The allegation of committing dacoity by 15 unknown  
persons are there in F.I.R.

Learned counsel for the petitioner submits that  
petitioner is not named in the F.I.R., his name has figured in this  
case by virtue of confessional statement of the co-accused.  
Neither anything was recovered from his possession nor TIP has



been conducted. He further submits that petitioner is in custody since 30.01.2022 having clean antecedent and chargesheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Patna in connection with Phulwari Sharif (Janipur) P.S. Case No. 1044 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

- A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.
- B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.
- C. The petitioner shall file an affidavit at the time of



furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond in violation of this condition prosecution shall be at liberty to move for cancellation of his present bail bond.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

pooja/-

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