

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16275 of 2022

Arising Out of PS. Case No.-151 Year-2021 Thana- BANIAPUR District- Saran

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Dharmendra Tiwari @ Dharmendra Tiwary @ Dharmendra Kr. Tiwari Son Of
Birendra Tiwari @ Virendra Tiwari R/O Village- Ganeshpatti, P.S.- Bheldi,
District- Saran At Chapra Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Baniyapur P.S. Case No. 151 of 2021 for the offences
under Section 392 of the Indian Penal Code.

The allegation against the unknown accused is/are
that the informant after withdrawing a sum of Rs. 2,00,000/-
from Bank of Baroda, Branch-Kothia, Jalalpur, Saran was
moving towards Shahpur CSP Centre and started transactions
with the customers, four unknown accused persons barged on
two motorcycles and looted Rs. 1,90,000/- beside two mobiles
and sims on gun point. Accordingly, the FIR was lodged.



In this case, case diary was called for on 12.07.2022 which has been received and perused by the learned APP for the State.

Learned counsel for the petitioner submits that his name has cropped up in the confessional statement of accused Rajesh Kumar. However, he categorically submitted that no looted amount has been recovered/seized either from his personal possession or from his home. He further submits that once he was taken into custody, number of cases came to be lodged against him/he was implicated in such cases as a result, paragraph-3 shows that he has 18 cases under his belt. He lastly submits that he is in custody since 29.07.2021 and was remanded in this case on 23.09.2021 (as stated in paragraph-11 of the bail application) but no T.I. Parade was conducted.

Taking into account the aforesaid facts that the name of the petitioner has come on the confessional statement of accused, Rajesh Kumar, there has not been any recovery from his possession, no T.I. Parade has been done and he has been remanded in this case on 23.09.2021, this Court is inclined to grant him the privilege of bail with strict conditions in view of the fact that the petitioner has criminal antecedents.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra in connection with Baniyapur P.S. Case No. 151 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month to mark his presence till the conclusion of the trial;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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