

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16098 of 2022

Arising Out of PS. Case No.-23 Year-2021 Thana- AWTARNAGAR District- Saran

Prashant Tiwary (M), aged about 24 years, S/o Late Jai Ram Tiwary, Resident
of Village- Muroudpur, P.S.- Avtarnagar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-08-2022 Heard Mr. Shankar Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Binod Kumar, learned A.P.P.
for the State.

Petitioner, who is in custody since 10.02.2022, seeks
regular bail in connection with Avtar Nagar P.S. Case No. 23 of
2021 dated 16.01.2021 registered for offences punishable under
Sections 399, 402, 414 of the Indian Penal Code and Section
25(1-B)a, 26, 35 of the Arms Act.

Prosecution story in brief is that upon secret
information that some miscreants were planning to commit
dacoity, a raid was conducted and two named accused persons
were apprehended on the spot along with one Santro Car
bearing Registration No. BR-01Q-8835.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has clean antecedent. He has been made



accused in the present case on the basis of confessional statement of co-accused Aman Kumar, who was apprehended on the spot. Petitioner has no connection either with the said Aman Kumar or with the alleged Santro car which was seized during the course of raid. He further submits that petitioner is in custody since 10.02.2022. Nothing has been recovered from the possession of the petitioner. Charge-sheet has already been submitted. On these grounds, petitioner seeks to be released on bail.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Taking into consideration the nature of allegation made in the FIR in which petitioner has not been made accused. Name of the petitioner has surfaced in course of investigation on the basis of confessional statement made by one co-accused Aman Kumar. There is specific denial made by the petitioner that petitioner in no manner he is connected with the alleged crime. Santro car bearing Registration No. BR-01Q-8835 is also not registered in the name of the petitioner nor the said car has been recovered from the possession of the petitioner or from his house. Prima facie it appears that petitioner has made out a case to be released on bail.



The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Avtar Nagar P.S. Case No. 23 of 2021 dated 16.01.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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