

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16693 of 2022

Arising Out of PS. Case No.-103 Year-2021 Thana- PANAPUR District- Saran

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Dharmendra Tiwari @ Dharmendra Tiwary @ Dharmendra Kr Tiwari Son of
Birendra Tiwari @ Virendra Tiwari Resident of Village - Ganeshpatti, P.S.-
Bheldi, Distt.- 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.Narendra Kumar Singh, .APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-08-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard Mr. Vindhyachal Singh, learned senior counsel
for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 395 of the IPC.

As per prosecution case, on 03.06.2021 at about 1.30
PM, 05 unknown criminal armed with pistol entered into the
Bank and committed dacoity on the point of pistol in which
dacoits looted cash of Rs. 1,61,686/-.

Learned senior counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case only on the basis of confessional statement of co-accused, namely, Rajesh Kumar. In fact the petitioner is not named in the FIR and till date no T.I.P has been conducted by the prosecution and no incriminating article has been recovered from possession of the petitioner. Further submits that so far as para-3 of the bail petition is concerned, the name of the petitioner has falsely been implicated in all the cases after lodging the present FIR. Further submits that except confessional statement of the co-accused, nothing has come, during investigation, against the petitioner. Petitioner is in custody since 28.08.2021.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries eighteen more cases other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Panapur P.S. Case No.103 of 2021 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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