

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26181 of 2022

Arising Out of PS. Case No.-491 Year-2021 Thana- BAGHA District- West Champaran

ASHOK TIWARI Son of Late Bishwanath Tiwari R/O Village - Pujaha
Patjirwa, P.S.- Shrinagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

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

The petitioner is an accused in connection with
Bagaha (Bhairoganj) P.S. Case No. 491 of 2021 under Sections
392, 395, 400 and 412 of the Indian Penal Code.

As per the allegation in the FIR, the informant after
collection of Rs. 70,000/- was returning. As he reached Nonia
Patti Puliya, two motorcycles borne accused persons intercepted
him and after slaping him looted the aforesaid amount including
the Tab and Biometric Machine from the dicky of his
motorcycle. They later left the place whereafter this FIR has



been lodged.

Learned counsel for the petitioner submits that his name has come in the confessional statement of co-accused Rajan Chaudhary and nothing has been recovered from his possession nor he was put on T.I. Parade.

Mr. Bharat Bhushan, learned APP, who represent the State submits that considering the number of criminal cases that the petitioner have under the belt of same nature, he does not deserve bail.

The Court has also gone through the paragraph-3 of the bail application which shows that the petitioner has 10 criminal cases of almost same nature in which he has been made accused and as such at first sight, it does not seem proper to release him on bail for the present.

However, taking into account the fact that neither there has been recovery from his conscious possession nor T.I. Parade has been done, let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of ACJM, 1st Bagha, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No. 491 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 fortnight till the conclusion of the trial to mark his presence;

(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.

(Rajiv Roy, J)

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