

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26219 of 2022

Arising Out of PS. Case No.-518 Year-2021 Thana- BAGHA District- West Champaran

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ASHOK TIWARI SON OF LATE BISHWANTH TIWARI R/O VILLAGE-
PUJAH PATJIRWA, P.S- SHRINAGAR, DIST- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-11-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioner has preferred this application for grant of regular bail in a case registered under sections 394, 395, 307, 326, 400 of the Indian Penal Code and 27 of the Arms Act.

As per the prosecution case, four miscreants boarded on two motorcycle stopped the vehicle of the



informant. When the informant refused to open the door of the vehicle, one miscreant fired on them which hit below the elbow of the right hand of the informant's brother. The miscreants then robbed their bag with Rs. 6,26,000/- cash, their laptop and mobile phones.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is accused in ten other criminal cases out of which he is on bail in five cases as stated in para 3 of the bail petition. The petitioner is not named in the FIR and the name of the petitioner has sprung up in the confessional statement of the co-accused Rajan Choudhary. No T.I.P. has been conducted by the prosecution. Charge-sheet has already been submitted against the petitioner and there is no chance of tampering with the evidence of the case. The petitioner is in custody since 18.01.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances



of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, West Champaran in connection with Bagaha P.S. Case No. 518 of 2021, with a condition:-

1. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

3. If the petitioner is found involved in any other criminal case in future, his bail bond is liable to be cancelled.

4. The petitioner is directed to mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasions,



the present privilege of bail will stand cancelled by the
concerned Court below.

The application stands allowed.

(Chandra Prakash Singh, J)

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