

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30242 of 2022

Arising Out of PS. Case No.-21 Year-2020 Thana- RAXAUL District- East Champaran

Rajan Tiwari @ Rajan Kumar Tiwari, Son of Krishna Tiwari @ Krishna Bihari Tiwari, Resident of Village - Shreepur, P.S.- Chhauradano, District - East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Raxaul P.S. Case No. 21 of 2020, Tr. No. 1620 of 2021, registered for the alleged offences under Sections 394 and 397 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, three miscreants stopped the father, brother and nephew of the informant who were coming on a motorcycle on gunpoint and demanded a bag being carried by them. On their refusal, they shot at the brother and father of the informant but the nephew of the informant concealed



himself taking advantage of darkness with the bag. The miscreants fled away with the motorcycle of the brother of the informant. The name of the petitioner transpired as one of the accused persons during investigation.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner was not put to any Test Identification Parade and his name came in the confessional statement of Co-accused Munna Patel, who has been granted bail by a Co-ordinate Bench of this Court vide order dated 06.12.2021 passed in Cr. Misc. No. 31226 of 2021. Though large number of cases have been shown in criminal history of the petitioner but in most of the cases he has been remanded on the basis of suspicion and has been enlarged on bail. Charge-sheet has been submitted and the petitioner is in custody since 20.01.2020.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and large number of cases have been pending against him.

Having regard to the submissions made hereinabove and considering his period of custody along with submission of



charge-sheet in this case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Raxaul at Motihari, East Champaran, in connection with Raxaul P.S. Case No. 21 of 2020, Tr. No. 1620 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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