

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29030 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- DHAKA District- East Champaran

Raju Tiwari Son Of Brajesh Tiwari Resident Of Village- Saraiya (Tiwari
Tola) P.S- Patahi , Dist- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Mritunjay Prasad Singh, Advocate
For the Opposite Party/s :	Mr.Md. Nazir Ansari, APP
	Mr. Asif Kalam, APP
	Mr. Wasi Akhtar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Dhaka (Pachapakri) P.S. Case No. 119 of 2022 registered for the alleged offences under Section 394 of the Indian Penal Code.

As per prosecution case, the informant and his nephew were intercepted and stopped by four miscreants who assaulted the informant and his nephew and took a mobile phone and Rs. 9000/- from them. Later on, they also looted from another persons



a mobile phone, Rs. 8000/- and his motorcycle. When persons from nearby by assembled and chased the miscreants, the petitioner was apprehended who named other co-accused persons as his associates.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the alleged offences or with the criminals. The other persons from whom the motorcycle was snatched has not registered a separate case. In fact the informant and said persons are collusion. Moreover, there is no allegation of snatching new motorcycle of the informant which is very surprising. The allegation of snatching and taking away cash is against three other co-accused persons. Charge sheet has been submitted in this case and the petitioner is in custody since 01.03.2022. The petitioner has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was apprehended from the spot along with looted articles.

Having regard to the submission made hereinabove and considering the submission of charge sheet along with the period of custody of the petitioner, 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 S.D.J.M., Sikraha in connection with Dhaka (Pachpakri) P.S. Case No. 119 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) 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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