

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40359 of 2021**

Arising Out of PS. Case No.-127 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

KRISHNA TIWARI @ KRISHNA NAND TIWARI Son of Nachaku Tiwari
@ Nandlal Tiwari Resident of Village- Sikandarpur, P.S.- Chainpur, District-
Kaimur of Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 06.03.2021,
seeks regular bail in connection with Chainpur P.S. Case No.
127 of 2020, for the offence punishable under Sections 188/34
of the Indian Penal Code and Section 25(1-b)a, 26,27 and 35 of
the Arms Act.

The prosecution case, in brief, is that petitioner along
with other co-accused Bali Gond were engaged in selling of
liquor in the orchard of one Anupam Pandey, thereafter,
petitioner and Bali Gond were apprehended.



Learned counsel appearing on behalf of the petitioner submits that the alleged seizure-list was not prepared in presence of the petitioner nor anything has been recovered from the possession of the petitioner. There is no cogent material on the record confirming the allegation made against the petitioner.

Learned A.P.P. has opposed the prayer for grant of bail to the petitioner.

Having perused the F.I.R. and the impugned order, it appears that the petitioner has not been apprehended on the place of occurrence and nothing has been recovered from the possession of the petitioner and one of co-accused named in the F.I.R. has already been released on bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-II, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 127 of 2020, one of the sureties must be the wife of petitioner and also subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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