

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42770 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- BARH District- Patna

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ROHIT TIWARY Son of Sri Madan Tiwari @ Aman Tiwary Resident of Pandarak Jagdish Dwar, Police Station - Pandarak, District - Patna, at present resident of Mohalla - Ramnagri, renter of Vinay Pandey, Police Station - Rajeev Nagar, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Barh P.S. Case No. 55/2020 registered for the offences punishable under Section 395 the Indian Penal Code.

As per prosecution case, the informant, namely, Ajay Kumar on 05.02.2022 at 7:15 PM, his father was coming back on his car with driver after collecting the sale of Patrol Pump. When they reached near Masud Bigha Shive Temple, his car was stopped by one Apache motorcycle and one person remained sitting on the motorcycle opened the back door and



took out money bag containing Rs.8,80,000/- and fled away.

The age of miscreants is about 20-25 years.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that there is no T.I. Parade till date and no incriminating articles has been recovered from the possession of the petitioner. The name of the petitioner has been surfaced on the basis of his own statement as mentioned in para 24 of the case diary and confessional statement of Barh P.S. Case No. 228/2020 in which he is admitted the guilt. There is no evidence except the confessional statement and statement of petitioner himself. The petitioner was remanded on 04.03.2021 from Shastrinagar P.S. Case No. 588/2020 and he is mechanically remanded in one and thereafter in another case. No cogent evidence is available against the present petitioner so far as the allegation is concerned. He further submits that the petitioner is in custody since 04.03.2021 and petitioner bears criminal antecedent of two cases.

The learned A.P.P. for the State opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the



material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Barh in connection with Barh P.S. Case No. 55/2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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