

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42940 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- AMNAUR District- Saran

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MUKUND KUMAR TIWARI S/o Amardeo Tiwari R/o village- Salakhua,
P.S.- Amnour, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-11-2022 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
Amnour P.S. Case No. 88 of 2022 registered for the offences
punishable under Section 394 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, the informant's brother
was threatened on gun point and three miscreants looted Rs.
40,000/- from his shop and when brother of the informant
resisted, the accused wearing yellow t-shirt fired upon him as a
result of which informant's brother sustained injury on the thigh.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and his name has been surfaced in this case upon the self confessional statement. He further submits that petitioner is in custody since 23.04.2022 and bears no criminal antecedent. Nothing has been recovered from possession of the petitioner. No TIP has been conducted in the case. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that co-accused Dileep Bhagat against whom there is allegation of recovery has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 32195 of 2022 and the case of present petitioner stands on better footing.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Saran at Chapra in connection with Amnour P.S.

Case No. 88 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission, 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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