

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54214 of 2021**

Arising Out of PS. Case No.-390 Year-2019 Thana- RAXAUL District- East
Champaran

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

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar, Advocate

For the State : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 392 of the Indian Penal Code.

As per allegation in the F.I.R. it is alleged by the
informant Dinanath Kumar that four unknown miscreants armed
with weapons entered into the shop and took away a bag
containing Rs. 1,20,000/- from the shop of the informant. It is
further alleged that the accused persons also took away
Rs. 75,000/- cash, Aadhar Card and ATM card from the shop of



the informant.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and he has been falsely implicated in the present case only on the basis of confessional statement of co-accused Guddu Patel. Further submits that no incriminating articles has been recovered from the conscious possessions of the petitioner and the aforesaid co-accused Guddu Patel has been granted bail vide order dated 04.10.2021 in Cr. Misc. No. 39341 of 2021 and another co-accused Munna Patel has been granted bail vide order dated 02.03.2022 in Cr. Misc. No. 41674 of 2021 and the petitioner is in custody since 29.09.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Raxaul P.S. Case No. 390 of 2019, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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