

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53791 of 2021

Arising Out of PS. Case No.-208 Year-2021 Thana- DUMRAO District- Buxar

Deepak Tiwari @ Tinda S/o Sudarshan Tiwari Village - Tiwari Tola, P.S. -
Dumraon, Dist. - Buxar, PIN Code - 802119.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadashiv Tiwari, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 17-10-2022 Let the defect(s), if any, be removed within two
weeks from today.

In this case, Cr. Misc. no. 53791 of 2021 with I.A. number 1 of 2022, interlocutory application has been filed for modification order dated 16.05.2022, passed in this case by which cost of Rs 10,000/- has been directed to be deposited to Patna High Court Legal Services Committee. Learned counsel for the petitioner submits that due to lack of money and because of petitioner's old age father and mother, there is no one in the family members having income. He was not in a position to deposit the said amount in time and he further seeks unqualified apology with folded hand before this Court for non-compliance of the said order within time. But on the other hand, he assures to this Court that he is ready to deposit the said fine amount

before this Court and seeks sometime for the same so that he may himself earn the amount and then deposit it.

On the point of merit, heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Dumraon P.S. Case No. 208 of 2021 lodged under Sections 420, 467, 468, 411, 412, 414, 120(B)/34 of the I.P.C.

As per the prosecution case, allegation of selling motorcycle with tempered number plate, chassis number, engine number is there against the petitioner and when police caught him, petitioner failed to produce relevant papers of the motorcycle. As such, the case has been lodged on 28.05.2021.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 29.05.2021. Upon report from the Superintendent of Police, it has been intimated that there are 5 criminal cases pending against the petitioner. Whereas, in the petition, it has submitted the petitioner has clean antecedent. Learned counsel for the petitioner submits that petitioner has been made accused in this case and he is also accused in 5 other cases, in which petitioner is on bail. A supplementary affidavit has also been filed in this regard before

this Court.

Learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions, whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that vide order dated 16.05.2022, cost of Rs 10,000/- has been imposed upon the petitioner, which has not been complied till date.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be directed to be released on **provisional bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Ld. Addl. District and Sessions Judge-IX Civil Court at Buxar in connection with Dumraon P.S. Case No. 208 of 2021. His provisional bail shall be confirmed only after compliance of the order dated 16.05.2022 passed in this case i.e. to deposit Rs/- 10,000 in Patna High Court Legal Services Committee and to produce such receipt before the Trial Court within 90 days from the date of release, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

If petitioner failed to do so, **provisional bail** granted shall be cancelled. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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