

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45713 of 2022**

Arising Out of PS. Case No.-50 Year-2019 Thana- RAXAUL RAIL P.S. District- West
Champaran

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RAJAN TIWARI @ RAJAN KUMAR TIWARI SON OF KRISHNA
TIWARI @ KRISHNA BIHARI TIWRI R/O VILLAGE- SHREEPUR, P.S.-
CHAURADANO, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon
For the Opposite Party/s : Mr.Ram Naresh Ray

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

4 09-11-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Raxaul G.R.P. Police Station Case No. 50 of 2019, registered for
the offences punishable under Section 394 of the Indian Penal
Code and Section 27 of the Arms Act.

This is the second attempt on behalf of the petitioner
for grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
16.12.2021, passed in Criminal Misc. No. 32250 of 2021, giving
liberty to the petitioner to renew his prayer for bail after six
months from the date of the order, if the trial does not record
any progress.



The allegation, as per the First Information Report, is that four miscreants looted away Rs. 42,000/- and one Samsung mobile from the informant on the gun point.

Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 16.12.2021. He further submits that the name of the petitioner has transpired in this case on the basis of confessional statement of co-accused Guddu Patel and the petitioner is in custody since 10.09.2020. He further submits that no Test Identification Parade has been conducted by the police as yet and no incriminating and/or looted article has been recovered from the possession of the petitioner. He next submits that co-accused persons, namely, Munna Patel (by order, dated 22.06.2021, passed in Criminal Misc. No. 6661 of 2021) and Guddu Patel (by order, dated 05.05.2022, passed in Criminal Misc. No. 49748 of 2021), have been granted regular bail by this Court.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 10.09.2020, similarly situated co-accused persons have been granted bail by this Court and this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to



grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, West Champaran, at Bettiah, in connection with Raxaul G.R.P. Police Station Case No. 50 of 2019.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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