

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63839 of 2021**

Arising Out of PS. Case No.-383 Year-2021 Thana- SIWAN CITY District- Siwan

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ABHISHEK KUMAR S/o- Oshiyar Tiwary @ Oshihar Tiwari Resident of
Village - Saidpura, P.S. - Goreyakothi, Dist. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 06-05-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 19.07.2021, seeks
regular bail in connection with Siwan Town P.S. Case No. 383
of 2021 registered for offences punishable under Sections 382
and 411 of the Indian Penal Code.

Allegation is that three miscreants on motorcycle
snatched away the mobile phone of the informant bearing SIM
No. 9931089269 and IMEI No. 8689220034299897. F.I.R. is
against unknown.

Learned counsel appearing on behalf of the petitioner



submits that petitioner is innocent and has falsely been implicated in the present case due to dirty village politics. Recovery of mobile phone has been made from one co-accused Rohit Kumar. Till date, petitioner has not been put on T.I.P. Petitioner has clean antecedent and he is in custody since 19.07.2021.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner, petitioner has made a specific submission that nothing has been recovered from his possession, alleged mobile phone has been recovered from one co-accused Rohit Kumar, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection with Siwan Town P.S. Case No. 383 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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