

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4201 of 2023

Arising Out of PS. Case No.-490 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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SRIKANT TIWARI @ SHREEKANT TIWARI Son of Fulena Tiwari
Resident of Village- Radhiya, P.S.- Govindganj, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-05-2023 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Govindganj PS case no. 490 of 2022,
registered for the offences punishable under Sections 420, 379,
384, 411/34 of the Indian Penal Code.

The allegation is regarding the informant having
received a call on his mobile phone from one another mobile
number, which after being fed in the True Caller App, showed that
the same belongs to the petitioner. It is alleged that the caller had
lured the informant for the purposes of sale and purchase of real
gold at a lesser price, whereafter the informant along with his
brother had reached village- Radhiya, PS-Govindganj on the
alleged date and time of occurrence and were taken to a house,
where the informant had agreed to purchase gold worth



Rs. 4,20,000/- and the money was then handed over to the accused persons but the gold was not handed over to the informant. Thereafter, 8-10 persons had arrived there and threatened the informant and his brother, however, the police arrived in the meantime and had saved the informant and his brother as also recovered their money.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that at the moment, the petitioner is having a clean antecedent, inasmuch earlier he was accused in another criminal case, in which, he has been acquitted. It is also submitted that neither the mobile number in question belongs to the petitioner nor the sim of the said number is registered in the name of the petitioner and moreover, no test identification parade has been conducted so as to connect the petitioner with the alleged occurrence. Lastly, it is submitted that no loss has been caused to the informant, as his money was recovered by the police.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that no test identification parade has been conducted so as to connect the petitioner with the alleged crime and moreover, considering the averment of the learned counsel for the petitioner to the effect that the mobile number in question, from which informant was given a call, does not belong to the petitioner as also its sim card is not registered in the name of the petitioner, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-1st, Motihari in connection with Govindganj PS case no. 490 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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