

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16775 of 2023

Arising Out of PS. Case No.-493 Year-2021 Thana- SIWAN CITY District- Siwan

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ASHISH KUMAR TIWARI SON OF LATE VIJAY TIWARI R/O VILLAGE-
SANTHI, P.S.- RAGHUNATHPUR, DISTRICT- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Adv.

For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Siwan
Town P.S. Case No. 493 of 2021 dated 16.09.2021 registered for
the offence under Sections 419, 420, 379/34 of the Indian Pena
Code.

The case relates to recovery of ATM swipe machine,
four ATM cards, few blank ATM cards and one mobile phone from
the possession of the co-accused, Amish Kumar.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
name of the petitioner transpired in this case on the basis of
disclosure made by the co-accused, Amish Kumar. He further



submits that it appears from the F.I.R. and the seizure list that nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been made from the co-accused, Anish Kumar, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 15.09.2022 passed in Cr. Misc. No. 65442 of 2021 and another co-accused, namely, Sagar Singh has also been granted bail by a co-ordinate Bench of this Court vide order dated 12.04.2023 passed in Cr. Misc. No. 1067 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 09.01.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Town P.S. Case No. 493 of 2021 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

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

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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