

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21947 of 2022

Arising Out of PS. Case No.-300 Year-2020 Thana- CHIRAIYA District- East Champaran

VICKY TIWARI S/o Gaurishankar Tiwari Resident of Village- Dipahi, P.S.-
Chiraiya, District- East Champaran- 845315.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 23-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Sessions Trial No. 70 of 2021 arising out of Chiraiya P.S. Case No. 300 of 2020, registered for the offences punishable under Sections 356 and 379 of the Indian Penal Code.

The prosecution case as emerging from the FIR is that the informant is working as CRO in Ujivan Small Finance Bank, Motihari Branch. It is alleged that on 13.11.2020 when the informant was coming from Saraswaght after collecting money on his motorcycle, the



petitioner and his associates came on a motorcycle and stopped the motorcycle of the informant. Later, it is also alleged that they snatched the motorcycle of the informant and a bag containing cash of Rs. 1,36,089/-, cheque book etc.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and FIR has been lodged against unknown persons. He also submits that nothing has been recovered from the conscious possession of the petitioner and no TIP has been conducted by the Police till date. He further submits that other accused person, namely, Radheshyam Kumar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 23.02.2022 passed in Cr. Misc. No. 43923 of 2021. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 11.02.2021.



It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in seven other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. 1st Additional Sessions Judge, East Champaran, Motihari in connection with Sessions Trial No. 70 of 2021 arising out of Chiraiya P.S. Case No. 300 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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