

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28143 of 2022

Arising Out of PS. Case No.-34 Year-2018 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Nitish Kumar Tiwari, Son of Sri Nakul Tiwari R/o Village - Sohjana,
Ratanpur, P.S.- Gidhaur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-04-2023 Heard Mr. Niranjan Parihar, learned counsel

appearing on behalf of the petitioner and Mr. Chandra Bhushan

Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bakhtiyarpur Rail P.S. Case No. 34 of 2018 registered for
the offence punishable under Section 379 of the Indian Penal
Code.

3. The allegation is of theft of the mobile phone of the
informant. F.I.R. is against unknown.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has
falsely been implicated in this case. He is not named in the
F.I.R. and his name has surfaced in the present case in course of
investigation. Petitioner has no criminal antecedent. One co-



accused namely Manoj Kumar against whom similar allegation has been made has already been released on anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.02.2020 passed in Cr. Misc. No. 86964 of 2019.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the aforesaid facts and circumstances of the case as well as submission of the parties, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Railway, Patna in connection with Bakhtiyarpur Rail P.S. Case No. 34 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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