

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35546 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

Sonu Tiwari S/O Tirth Raj Tiwari R/O Village-Dandwas, P.S.-Mohania, Dist.-
Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kudra P.S. Case No. 104 of 2022 registered on 26.04.2022 for the alleged offences under Section 394 of the Indian Penal Code.

3. As per prosecution case, four miscreants on two motorcycles accosted the informant and his father who were coming back after closing their jewellery shop. They surrounded the motorcycle of the informant and taking out a pistol fired upon them. They tried to snatch the bag of the informant and when the informant resisted, they fired upon him and the shot hit in the finger of the informant. The miscreants fled away with the bag containing 30gms of gold jewellery, about 2.5 kg of silver



ornaments and Rs. 45,000/- in cash. The name of the petitioner surfaced during investigation as one of the accused persons involved in this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to past criminal history. Petitioner has been made accused in this case on the basis of confessional statement of co-accused Ajay Kohar. The petitioner has not been put to any Test Identification Parade and no incriminating material has been recovered from the person or possession of this petitioner. Co-accused Ajay Kohar who has named this petitioner in his confessional statement has been granted bail by a Coordinate Bench of this Court vide order dated 10.02.2023 passed in Cr. Misc. No. 61640 of 2022. The petitioner is in custody since 09.02.2023 and charge-sheet has been submitted. The petitioner has got criminal antecedent of seven cases but he is on bail in all such cases.

5. Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in a large number of cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that no recovery has been shown from this petitioner who was not put to any Test Identification Parade and further considering his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Kaimur at Bhabua/court concerned in connection with Kudra P.S. Case No. 104 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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