

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38001 of 2023

Arising Out of PS. Case No.-13 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

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UMESH TIWARI @ UMESH TIWARI PANDEY Son of Late Ganesh Tiwari
@ Ganesh Tiwari Pandey Resident of village - Fulwariya, P.S. - Fulwariya,
Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Nagar
P.S. Case No. 13 of 2022 registered for the offences punishable
under Sections 379 and 411 of the IPC.

As per prosecution case, informant went to
withdraw money from State Bank of India bearing account
30211958314 at Nagarpalika Chowk and he withdrew Rs.
49,000/-. He kept Rs. 10,000/- on the right pocket of full-pant
whereas remaining money was kept inside pocket of the full
pant. He came out from the bank and suddenly a person took
out money from his right pocket and started fleeing away. When
the informant raised hulla several persons apprehended the



persons who was running away and it is alleged that when the accused person was searched then from his pocket Rs. 10,000/- and one black Samsung small mobile and Rs. 160/- and one ATM were recovered. Apprehended person disclosed his name as Umesh Tiwary (petitioner). At that time police arrived and the apprehended person was handed over to the police.

Learned counsel for the petitioner submits that petitioner is in custody since 06.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that bail of the petitioner has been rejected by this Court vide Cr.Misc. No. 21513 of 2022 with an observation that if the trial is not concluded preferably within nine months, the petitioner may renew his prayer for bail. He further submits that the trial is pending for framing of charge and the delay of trial is not attributable to the petitioner in anyway.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but conceded to the submission of learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within nine months, the



petitioner may renew his prayer for bail. He further submits that still trial is at the stage of framing of charge.

Considering the facts and circumstances of the case, period of custody, trial is not concluded within nine months and the delay of trial is also not attributable to the petitioner, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Nagar P.S. Case No. 13 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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