

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.167 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

=====

Aditya Tiwari, Son of Ajay Tiwari @ Ajay Kumar Tiwari Resident of Village-
Pachrukhiya, P.S.- Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Arun Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 02-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Bishambharpur P. S. Case No. 97 of 2020, registered for
the offences punishable under Sections 307, 384, 386 and
34 of the Indian Penal Code and Section 27 of the Arms Act,
1959.

The prosecution story as emerges from the FIR is



that the petitioner along with his associates came to the clinic of the informant and started abusing him. Allegation of threat and demand of Rs. 20 lakhs on the point of gun is also there.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the case has been lodged against unknown and the petitioner has been implicated in this case only on the basis of his alleged confessional statement before the police. He further submits that no TIP has been conducted till date. He also submits that the petitioner has some criminal antecedents but he is on bail in all those cases except this and one another and in eight cases he has already been acquitted.

The petitioner has been languishing in jail since 31.07.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that



the petitioner has been made accused in 24 other cases.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail saying that there are 24 criminal antecedents against this petitioner.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released 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. Additional Chief Judicial Magistrate -X, Gopalganj, in connection with Bishambharpur P. S. Case No. 97 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 bonds 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 bonds of the petitioner.

Besides the aforesaid conditions, it is cautioned that in case the petitioner gets involved in any other fresh cases, the court below is authorized to cancel the bail-bonds of the petitioner.

The application stands allowed accordingly.

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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