

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70821 of 2023

Arising Out of PS. Case No.-247 Year-2023 Thana- DHAKA District- East Champaran

NITISH KUMAR TIWARI @ NITISH TIWARI @ NITISH KUMAR S/o
UMA SHANKAR TIWARI R/o Garhariya, P.S. - Dhaka, Distt. - East
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case
registered for the offence punishable under Sections 392 of the
Indian Penal Code.

3. As per allegation in the FIR, three unknown
miscreants entered in the shop of informant and on the point of
pistol and knife they looted bag, cash of Rs. 90,000/- to
1,00,000/- Hanumani and mobile from the informant and mobile
of the brother-in-law of his brother and thereafter they fled away
on a motorcycle.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has



committed no offence. The F.I.R. is against unknown and the name of the petitioner has been falsely dragged in this case on the basis of confessional statement of co-accused Vicky Tiwari which has no evidentiary value in the eye of law. Nothing looted article has been recovered from the conscious possession of the petitioner. During investigation, no other consistent material has come against the petitioner which shows his complicity in this case. Petitioner is languishing in judicial custody since 04.08.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Dhaka, East Champaran at Motihari in connection with Dhaka P.S. Case No. 247 of 2023.

(Sunil Kumar Panwar, J)

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