

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70337 of 2022**

Arising Out of PS. Case No.-345 Year-2022 Thana- SIWAN CITY District- Siwan

Sri Prakash Tiwari @ Sri Tiwari, S/o Awadhesh Tiwari @ Avadhesh Tiwari,
Resident of Village- Bharatpura, P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 16-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Siwan
Town P.S. Case No. 345 of 2022 registered for the offence under
Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 11.08.2022.

The allegation against the petitioner is to commit
dacoity in Indian Bank, Siwan Unit alongwith other co-accused
persons and while committing so looted cash of Rs. 22,44,116/-.

Learned counsel appearing on behalf of the petitioner
submitted that name of petitioner surfaced during the course of



investigation on the basis of confessional statement of co-accused, namely, Sabindra Mahto, in furtherance of which no incriminating material recovered/surfaced, which may connect petitioner, prima facie, with the present occurrence of dacoity. It is also submitted that no TIP was conducted against this petitioner as yet. It is also pointed out that no recovery of alleged looted money was made ever from the possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in 5 criminal cases, where he is on bail in all 5 cases, where in maximum of cases, his name surfaced on the basis of confessional statement as of the present case and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact that no incriminating material recovered/surfaced during the course of investigation to connect petitioner, prima facie, with the present occurrence of dacoity, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No.



345 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional District & Sessions Judge, Siwan/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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