

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71136 of 2022

Arising Out of PS. Case No.-633 Year-2022 Thana- NAGAR District- Vaishali

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Rahul Tiwari Son of Shivkumar Tiwari Resident of Village- Pachrukhi, P.S.-
Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Hajipur
Town P.S. Case No.633 of 2022 registered for the offence under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1-b)A, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.08.2022.

The allegation against the petitioner is to involve in
preparations for dacoity alongwith other co-accused persons and
found in possession of one loaded country-made pistol.

Learned counsel appearing on behalf of the petitioner
submitted that nothing surfaced during the course of
investigation, which may suggest that petitioner was found



involved in preparations for dacoity alongwith other apprehended co-accused persons and merely on the basis of recovery of country-made pistol, it cannot be said that involvement of petitioner was up to the level which can be said as preparation for dacoity. It is submitted that seizure list of recovery of alleged country-made pistol appears doubtful, being not supported by independent witnesses rather by police personnels. It is also pointed out that recovery of firearms not appears to be made from the conscious physical possession of this petitioner. Learned counsel further pointed out that after arrest in the present case, petitioner remanded in three more cases indicating thereof that his antecedent prior to his arrest was clean. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as petitioner is in custody since 23.08.2022 coupled with the fact that charge-sheet has already submitted, let above named petitioner is directed to be released on bail in connection



with Hajipur Town P.S. Case No.633 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 Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the following conditions as mentioned :-

(i) 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.

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

(Chandra Shekhar Jha, J.)

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