

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71397 of 2022

Arising Out of PS. Case No.-406 Year-2022 Thana- GHORASAHAN District- East
Champaran

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RAJESH KUMAR TIWARI S/O Hari Parsan Tiwari @ Hari Prasanna Tiwari
R/O Village- Basantpur, Ward No- 4 P.S- Sathi, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 29-03-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Ghorahasan P.S. Case No. 406 of 2022, registered for the offences punishable under Section 392 of the Indian Penal Code in which the Charge-sheet has been submitted under Sections 395, 412 of the Indian Penal Code and Sections 25(1-b), 26 and 35 of the Arms Act.

The informant is Branch Manager of Bharat Finance Company. Two miscreants, who have concealed their faces by helmet and mask, entered into the office and committed loot from his company. They took away a bag containing Rs. 10,53,425/-.



The learned counsel for the petitioner has submitted that he is a person of clean antecedent and has falsely been implicated in this case. The petitioner's name has figured in the confessional statement of co-accused Vishal Kumar, who has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 68874 of 2022. He has submitted further that the informant and co-accused Vishal Kumar were engaged in the same business as is evident from his confessional statement in paragraph no. 57 of the case diary and due to business rivalry, this false case has been lodged.

On the other hand, Sri Shailendra Kumar, the learned APP has opposed the prayer for bail and submitted that the confessional statement of the petitioner was also recorded and on his disclosure, Rs. 1,50,000/- was recovered from the house of Brajesh Kumar Singh, who is Assistant Branch Manager of the same company, to which the learned counsel for the petitioner has replied that co-accused Brajesh Kumar Singh would be the best person to explain the fact, from whose house, the money has been received and up-till-now, it has not been detected that it was the same money, that was looted from the Branch.

Considering the above-mentioned facts and



circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 3rd East Champaran at Motihari in connection with Ghorahasan P.S. Case No. 406 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(iii) The petitioner shall remain physically present on each and every date till conclusion of the trial and his failure in physical appearance shall lead to cancellation of his bail bond.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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