

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37669 of 2024

Arising Out of PS. Case No.-526 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Jay Prakash Tiwari Son Of Chandeshwar Tiwari Village- Bangra Paharpur
(CHAK Ahlad), Ps- Sahebganj, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sahebganj P.S. Case No. 526 of 2019, registered for the offences under Sections 379, 356 of the Indian Penal Code.

3. As per the prosecution case, unknown miscreants snatched the motorcycle and mobile phone on gun point from the informant. The name of the petitioner transpired during investigation for being involved in the said occurrence.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has no concern with the alleged occurrence. Though, the recovery of motorcycle is

shown from the petitioner but it is a case of plantation. The petitioner has not been identified by the informant and he has not been put to any Test Identification Parade. The petitioner is in custody since 12.02.2020 but the case is still at the stage of evidence of prosecution and no witnesses has been examined till date.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner is a habitual offender and is accused in seven cases of similar nature.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the report of the learned trial court that none of the five charge sheet witnesses has been examined and there appears no likelihood of early completion of trial coupled with period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class/concerned court, in connection with Sahebganj P.S. Case No. 526 of 2019, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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