

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75427 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- BHAGWANGANJ District- Patna

Funti Tiwari @ Futi Tiwari, Son of Late Surendra Tiwari, Resident of Village-
Harnichak, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 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 Bhagwanganj P.S. Case No. 138 of 2024, registered for the alleged offences under Sections 304 (2), 3 (5) of B.N.S.

3. As per prosecution case, the informant withdrew Rs. 2 lacs from his bank and while he was returning to home, two motorcycle born miscreants snatched a bag containing the money from the informant, who fell down from the Tempo from which he was travelling. The name of the petitioner transpired during investigation as one of the miscreants.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The involvement of the petitioner is stated to be on the basis of CCTV footage, but there is no CCTV footage of the place of occurrence or any nearby place. It is only the CCTV footage of the bank or places near to the bank in which suspicion has been raised that the petitioner was present and gave signal to other miscreants, but it is very vague allegation. The petitioner is in custody since 10.08.2024. The petitioner is having criminal antecedent of two cases and in both the cases the petitioner is on bail.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of substantive material against the petitioner to connect him with the offence as alleged and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Masaurhi, Patna, in connection with Bhagwanganj P.S. Case No. 138 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal



Procedure and also the 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 court below.
- (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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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