

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27326 of 2025

Arising Out of PS. Case No.-226 Year-2023 Thana- CHIRAIYA District- East Champaran

Nitish Kumar Tiwari S/o Umashankar Tiwari R/o - Garahiya Jhit Kahiya,
P.S.- Panchpakri, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohit Raj, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Chiraiya PS Case No.
226 of 2023 instituted for the offences under Section 392 of the
Indian Penal Code.

3. Prosecution case in brief is that informant – who is
vendor of ‘*Mirpur Rural Distribution Agency*’ – was going to
distribute gas cylinders on Tata Magic and in the meantime, he
was accosted by three persons, who on the point of pistol, looted
Rs. 19,840/- and mobile phone of the informant and fled away.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 12-09-2024. Petitioner
bears three criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Vikkay Kumar. No incriminating article has been recovered from the possession of the petitioner. Learned counsel for the petitioner submits that police after investigation has submitted charge sheet in this case. Other co-accused has been granted bail by this Court vide order dated 18-02-2025, passed in Cr. Misc. No. 8229 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, manner of petitioner's implication, claim based on parity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chiraiya PS



Case No. 226 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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