

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.740 of 2025

Arising Out of PS. Case No.-162 Year-2023 Thana- DHAKA District- East Champaran

Nitish Tiwari @ Nitish Kumar Tiwari S/o Umashankar Tiwari R/o Village-
Garahiya, P.S.- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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

ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Dhaka
(Pachpakari) O.P. P.S. Case No. 162 of 2023 instituted for the
offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, the allegation against
three unknown miscreants is of committing loot of Rs. 49,500/-
from the Informant while he was returning after collecting the
amount from the customers on a motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is not named in the F.I.R. and has not been



arrested on the spot and there is no recovery of any incriminating article from his possession. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. The petitioner has three criminal antecedents and is languishing in judicial custody since 13.07.2024 without any rhyme or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Bikki Tiwari @ Vikkey Tiwari & Sahid Khan have been granted bail by this Court *vide* orders dated 01-05-2024 & 02-08-2024 passed in Cr. Misc. No. 32622 of 2024 & Cr. Misc. No. 53158 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Dhaka (Pachpakari)



O.P. P.S. Case No. 162 of 2023 .

(Rudra Prakash Mishra, J)

Raj Kishore/-

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