

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37671 of 2017**

Arising Out of PS.Case No. -114 Year- 2017 Thana -SUGAULI District-  
EASTCHAMPARAN(MOTIHARI)

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Chunnu Tiwari Son of Uday Raj Tiwary, R/o Village- Chapra Bahas, P.S.-  
Sugauli, District- East Champaran.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Panchanand Pandit

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

5      31-10-2017                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
23.04.2017 in connection with Sugauli P.S.Case No.114 of 2017  
for offences punishable under Sections 25(1-B)a, 26 & 35 of the  
Arms Act and Section 30(a) of Excise Act.

The prosecution case, as lodged by the police  
personnel, is that on checking duty, they apprehended two persons  
including the petitioner and found one loaded country-made Pistol  
with cartridges from the possession of the petitioner and other co-  
accused persons, besides, two bottles of foreign liquor of 180 ml.  
each was also recovered.

It has been submitted by the learned counsel for the



petitioner that he is innocent and no overt act has been alleged to have been committed by him. He submits that on the confessional statement of the co-accused before the police, which was taken under duress and it is of no value in the eye of law, the petitioner has been made accused. He further submits that charge-sheet has been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, the learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner is accused in three other cases and one of which is serious in nature.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7<sup>th</sup> Additional District Judge-cum-Special court Excise, East Champaran, Motihari in connection with Sugauli P.S.Case No.114 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below



during the trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.
- (iv) The petitioner will appear before the concerned Police Station in the first week of every month and will mark his attendance.

**(Nilu Agrawal, J)**

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