

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19868 of 2016

Arising Out of PS.Case No. -356 Year- 2015 Thana -BUXAR District- BUXAR

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1. Banti Tiwary @ Indra Kant Tiwary Son of Kamla Kant Tiwary, R/O
Ambedkar Chouk Buxar, P.S. Buxar (T) Dist. Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Rita Verma (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 10-08-2016 Learned counsel for the petitioner is permitted to

make necessary correction in prayer portion of the petition within

course of the day.

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Earlier the prayer for bail of the petitioner was

rejected by this court vide order dated 10.12.2015 passed in Cr.

Misc. No. 54870 of 2015 but submission on behalf of the

petitioner is that co-accused Raju Thakur as well as Alok Thakur

against whom, there is allegation of indiscriminate firing, have

already been granted privilege of bail by a co-ordinate Bench of

this Court and apart from this, some other accused have also been

released on bail. It is submitted that so far as the petitioner is

concerned, he happens to be the order giver and no allegation of firing has been levelled against him.

No doubt, petitioner does have some criminal antecedent but in the present case, there is only allegation against him that he was instigating the other accused and on the basis of instigation of this petitioner, co-accused Raju Thakur and others made indiscriminate firing, as a result of which, deceased of the present case died then and there.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 Additional District Judge-VI, Buxar in connection with Buxar (T) P.S. Case No. 356 of 2015, arising out of Sessions Trial No. 21 of 2016, subject to the condition that any attempt on behalf of petitioner to terrorize the prosecution witness or tamper with the prosecution evidence, the trial court shall have liberty to cancel the bail bond of the petitioner, after due and proper enquiry.

(Hemant Kumar Srivastava, J.)

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