

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10507 of 2017

Arising Out of PS.Case No. -122 Year- 2015 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Bashisht Narayan Tiwari, Son of Late Ram Ekbal Tiwari, resident of
village - Birta Tola, Police Station Chiraiya, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 11-04-2017 Heard the parties.

This application has been filed in connection with Chiraiya
P.S.Case No.122 of 2015 for the offence under Sections 307 and
34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that he is
Headmaster of a School and he is named in this case, as a dispute
is going on between the informant and the petitioner with respect
to management of the School and further, it is submitted that
though the petitioner is named in the F.I.R. and it is alleged that a
statement was made by the deceased himself but the author of the
statement is one Umesh Prasad and Umesh Prasad in his statement
before the Police in Para 13 of the case diary has stated that he
saw total five persons fleeing from the place of occurrence, out of
them three persons on the Motorcycle but there is only one injury
on the person of the injured and the petitioner is in custody since
29.11.2016.



Heard learned A.P.P. as well as learned counsel for the informant. They have opposed the prayer for bail.

Having heard both sides and in view of the fact that there is only one gut shot injury on the person of the deceased and it is also stated in para 13 of the case diary that he had seen five persons fleeing from the place of occurrence and one co-accused has also confessed that he shot the deceased.

Considering all aspects of the matter, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Sikrahna at Dhaka, Motihari, District- East Champaran in connection with Chiraiya P.S.No.122 of 2015.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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