

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36223 of 2016

Arising Out of PS.Case No. -164 Year- 2015 Thana -MANJHI District- SARAN

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Satya Prakash Tiwari, son of Nagendra Tiwari, Resident of Village-
Sadhpur Bali, Police Station – Kopa, District –Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Opposite Party/s : Mr. Sri Lalan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

7 19-04-2017

Heard learned counsel for the petitioner and the State.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under sections 341, 323, 307, 326, 498A and 504/34 of the Indian Penal Code and 27 of the Arms Act on the ground that he is languishing in custody since 07.08.2015 and given earlier the prayer for bail of the petitioner was rejected vide order dated 09.02.2016 passed in Criminal Miscellaneous No.153/2016 with a liberty to renew the prayer for bail if the trial is not concluded within a period of one year of the custody.

Prosecution case is that the informant was married to the petitioner in 2013. The in-laws of the informant used to torture



the informant and also attempted to kill her. When the informant became pregnant, the petitioner took the informant to his in-laws house, i.e., the *maike* of the informant. Subsequently, on 06.08.2015 the petitioner went to his in-laws house to bring the informant, when some scuffle took place and the petitioner fired twice causing injuries on hand and abdomen of the informant and causing injury to her sister-in-law Renu Devi leading to registration of Manjhi P.S. Case No. 164/2015 on 06.08.2015. Subsequently, the informant died during treatment on 24.08.2014.

It is submitted by learned counsel for the petitioner that it was the in-laws family members, who started assaulting the petitioner and resorted to fire, but accidentally the informant received gun shot injuries resorted to by the in-laws family members. There is counter version of the occurrence also being Manjhi P.S. Case No.165 of 2015. The petitioner has also received gunshot injuries, but the injuries of the petitioner have not been explained by the prosecution. The injuries of Renu Devi found by the doctor to have been caused by hard and blunt substance when it is alleged in the FIR that she received gun-shot injuries.

It is further submitted by learned counsel for the petitioner that initially the informant was examined by Dr. S. Kumar, who found three sharp cut injuries simple in nature,



whereas the sister of the informant Renu Devi received lacerated injuries caused by hard and blunt substance, simple in nature. Subsequently, the informant died on 24.08.2015 but post-mortem report and documents of treatment of PMCH reflect that the informant received injuries caused by fire arm. The prosecution has failed to explain the inconsistency between the initial injury reports and the injury report of PMCH and the post-mortem report. The prosecution further failed to explain the fire arm injury caused to the petitioner.

Considering the inconsistency between the initial injury report, the injury report of PMCH and the post-mortem report and the liberty granted earlier to renew the prayer for bail, to the extent that if the trial is not concluded within one year of remaining in custody, let the above named petitioner be released on bail provisionally for six months, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Saran at Chapra, in connection with Manjhi P.S. Case No.164 of 2015.

The learned Court below will confirm the provisional bail of the petitioner if the trial is not concluded in next six months without any laches on the part of the petitioner,



but it is made clear that provisional bail shall not be confirmed if the petitioner defaults for three consecutive occasions and in such eventuality, the learned trial Court will cancel the bail bonds of the petitioner even within the period of six months of provisional bail.

(Dinesh Kumar Singh, J)

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