

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40407 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -AJIMABAD District- BHOJPUR

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1. Satendra Tiwary, S/o- Sri Sidhnath Tiwari, resident of village- Kosiya,
P.S.- Chauri, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

Mr. Rama Kant Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 09-11-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Azimabad P.S.**

Case No.02 of 2017 instituted for the offence under Section(s)
302, 120-B/34 Indian Penal Code.

It is alleged in the written report that father of the Informant was driver of a Bolero vehicle. He contacted his father on mobile in the evening on 06.02.2017, who disclosed that he may come late as he is going from Kheri Bazar to Ara. Father of the Informant did not return in the night and his mobile was also switched off. Informant raised suspicion that because of the land dispute some untoward incident may take place with his father. Accused persons, namely, Satendra Tiwari (Petitioner), Harendra Tiwari and Shyam Sudner Tiwari, always used to give threat to



father of the Informant. Father of the Informant did not return till 17.02.2017, then he made search and learnt that in the field of village Godiha, a Bolero vehicle is lying. The Informant reached village Godiha and found the Bolero vehicle, which his father used to drive and there he received information that in the field of Phular a dead body has been thrown. He reached there along with his family members and found dead body of his father.

Case diary has been received.

Counsel for the Informant has submitted that in para 33, there is statement of owner of the vehicle, who has stated that neck of the deceased was slit after tying his hands with a tree and it is a case of brutal murder.

Learned counsel for the petitioner has submitted that witness in para 29 has stated that vehicle was taken by one person, who was subsequently identified as Vikash Yadav. The police has also arrested Vikash Yadav on the basis of his call details of mobile phone and his location. There is no specific allegation in para 33 of the case diary against the petitioner.

Learned APP has submitted that in the entire case diary mere suspicion has been raised against this petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the



event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Azimabad P.S. Case No.02 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Judicial Magistrate, 1st class, Bhojpur**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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