

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42668 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -BRAHMPUR District- BUXAR

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1. Birendra Tiwari, Son of Late Baldhar Tiwari, resident of Village- Badki Nainijor, P.S.- Brahmpur (Nainijor), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Choubey

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-09-2017 Heard the parties.

The petitioner seeks regular bail in connection with Brahmpur (Nainijor) P.S.Case No.105 of 2017 registered for offences punishable under Sections 147, 148, 149, 341, 325, 338, 307, 302 and 120B of the Indian Penal Code.

Allegation against the petitioner and other co-accused persons is that they surrounded the deceased and the petitioner is said to be order-giver and other co-accused persons have fired upon the deceased causing his death.

Submission of the learned counsel for the petitioner is that the petitioner is only order-give and there is nothing against the petitioner. Three persons have been ordered, out of which one co-accused has been granted bail by this Hon'ble Court, vide order



dated 21.8.2017 passed in Cr. Misc. No.39509 of 2017.

Heard learned A.P.P. also, who has not controverted the submission as advanced by the learned counsel for the petitioner.

Having heard both sides and in view of the facts and circumstances, as stated above, 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 C.J.M., Buxar in connection with Brahmpur (Nainijor) P.S.Case no.105 of 2017.

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 bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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