

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48447 of 2018

Arising Out of PS. Case No.-365 Year-2018 Thana- DEHRI TOWN District- Rohtas

Jitendra Tiwari S/o Ramashish Tiwari R/o Village- Bhaluari, P.S. Indrapuri,
District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 55127 of 2018

Arising Out of PS. Case No.-365 Year-2018 Thana- DEHRI TOWN District- Rohtas

Rakesh Tiwari, S/o Avadh Tiwari, R/o Village- Bhaluari, P.S.- Indrapuri,
District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 48447 of 2018)

For the Petitioner/s : Mr. Deovind Kumar Singh

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

(In Criminal Miscellaneous No. 55127 of 2018)

For the Petitioner/s : Mr. Deovind Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 05-11-2018 Heard learned counsel for the petitioners, learned
APP for the State as well as learned counsel for the informant.

Both the petitions arise out of the same P.S. i.e.
Dehari (Indrapuri) P.S. case no. 365 of 2018, and as such, they
have been heard together and are being disposed of by this
common order.



The petitioners seek bail in Dehari (Indrapuri) P. S. Case No. 365 of 2018 instituted for the offence under Section(s) 341, 323, 338,307, 504 and 506/34 of the Indian Penal Code. Later on Section 302 of the I.P.C. was added.

Learned counsel for the petitioner has submitted that there is no specific allegation of overt act against this petitioner.

In the written report, it is alleged that on the date of occurrence somebody fired from back which hit the wife of the informant on stomach and left thigh on account of which she fell down.

Case diary has been received, wherein, the postmortem report of the deceased is available.

Learned counsel for the petitioner has submitted that after two months of the occurrence statement of the two sons of the deceased has been recorded in para 74 and 75 of the case diary, wherein, they have taken the name of these petitioners along with Kundan Tiwary of making firing. It has further been submitted that doctor in the postmortem report has found only one injury on the person of the deceased caused by firearm. It is also pointed out that co accused Kundan Tiwary @ Kundan Kumar Tiwary has already been granted regular bail by this Court by order dated 11.10.2018 passed in Cr. Misc. no. 44455



of 2018. Therefore, this Court is inclined to grant bail to petitioner , namely, Jitendra Tiwari (Cr. Misc. no. 48447 of 2018)

So far as petitioner, namely, Rakesh Tiwari (Cr. Misc. no. 55127 of 2018) is concerned, there is no allegation of overt act against this petitioner. Therefore, this Court is inclined to grant bail to petitioner, namely Rakesh Tiwari (Cr. Misc. no. 55127 of 2018).

Considering the aforesaid, let the petitioners of both cases, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the S.D.J.M Dehri, Rohtas in connection with Dehari (Indrapuri) P.S. case no. 365 of 2018, subject to the condition that both the bailers shall be the close relative of the petitioners.

(Sanjay Priya, J)

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