

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24621 of 2018

Arising Out of PS.Case No. -395 Year- 2017 Thana -BIHIYA District- BHOJPUR

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1. Kamal Prasad Tiwary, S/o Jagdish Tiwary,
2. Ratan Tiwary S/o Ashok Tiwary, Both R/o Vill.- Jamua, P.S.- Bihiya,
District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 18-06-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Bihiya P.S.Case no.395 of 2017 , registered for offences punishable under Sections 147, 148, 323, 324, 325, 307, 379, 446, 504 and 302 of the Indian Penal Code.

Allegation against the petitioners is that they along with the accused persons assaulted the deceased.

Submission of the learned counsel for the petitioners is that so far these petitioners are concerned, there is no allegation of assault on the deceased and the case diary also shows that they have been falsely implicated in this case.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground



that there is allegation against Kamal Prasad Tiwari of assault but not on the deceased.

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Bhojpur at Ara in connection with Bihiya P.s.Case No.395 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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