

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1370 of 2019

Arising Out of PS. Case No.-406 Year-2018 Thana- MAIRWAN District- Siwan

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Lal Babu Tiwari s/o Dudh Nath Tiwari, r/o village Dharani Chhapar, PS
Mairwa, District Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi
For the Opposite Party/s : Mr.Sri Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 27-03-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case
registered for the offence punishable under Sections 341, 323,
307, 504/506/34 of the Indian Penal Code.

Informant in her written complaint has alleged that on
10.10.2018, her Father-in-Law was working in his own field and
thereafter allegation is against his agnate Lal Babu Tiwari
(petitioner) who assaulted him on his head as a result of which
he became unconscious and was referred to Hospital and he
remained in Coma and due to threatening given by the petitioner
There is delay in lodging the FIR. The incident is of 10.10.2018



whereas FIR was instituted on 14.10.2018. It has come during investigation that the deceased was not subjected to any post mortem. It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to family rivalry and there is civil dispute between the parties and they are on litigating terms. Petitioner has got no criminal antecedent and is in custody since 26.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Mairwa P.S. Case No. 406 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court



below.

(3) If the 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.

(S. Kumar, J)

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