

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80591 of 2018

Arising Out of PS. Case No.-163 Year-2018 Thana- GORIAKOTHI District-
Siwan

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Kamakhya Tiwari son of Ramashankar Tiwari, resident of Village-
Saidpur, Police Station- Goreyakothi, District- Siwan.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 324 and 308 of the Indian Penal
Code registered in connection with Goreyakothi P.S. Case No. 163
of 2018.

3. It is submitted that the petitioner has been falsely
implicated and it transpires from the perusal of the order of the
learned Sessions Judge that the informant has sustained four
injuries which thus do not corroborate the accusation of assault
on the back with his sword. Petitioner and informant are own
brothers. It is further pointed out from paragraphs- 5,6, and 7 of
the case diary that witnesses have stated about the assault by
iron rod which deviates from the F.I.R. version. The petitioner
claims clean antecedents.

4. Be that as it may, having regard to the entirety of
the facts and circumstances of the case, in the event of the
petitioner's arrest or surrender before the court below within six



weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Goreyakothi P.S. Case No. 163 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Ibrar/BT

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