

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18159 of 2020

Arising Out of PS. Case No.-29 Year-2019 Thana- RASULPUR District- Saran

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Vikash Tiwari @ Vikas Tiwari Son of Shambhunath Tiwari Resident of
Village - Patratu Basti, P.S.- Patratu, Dist.- Ramgarh.(Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-06-2020 The matter has been listed today for consideration
through Video Conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner seeks bail in Rasulpur P.S. case No. 29 of
2019 instituted for the offence under Sections 302, 120B/34 of
the of the IPC.

The case of the prosecution is that niece of the informant



has intimated the murder of her husband at 9.30 AM by two unknown persons near Kashinath Tiwary's house on 03.03.2019. The petitioner has been named as one of the accused persons. Suspicion has been cast in the FIR since there was a subsisting hostility between the petitioner and the deceased since before.

Learned counsel for the petitioner submits that informant is not an eye witness of the occurrence. Even as per FIR, he has lodged the case merely on information received from his niece. The implication is based on suspicion and subsisting rivalry between the deceased and the petitioner. As per averments made in the bail petition, 21 cases are pending against him and there were many enemies of the deceased. The false implication of the petitioner, in the circumstances, cannot be ruled out. The further case of the petitioner, as per averments made in the bail petition is that he has been in custody since 04.08.2015 till 08.01.2020 in Hazaribag jail and Central jail, Modini Nagar, Palamu. It is further submitted that in connection with other police station case i.e. (Hazaribag) PS case no. 610 of 2015 (S.T. No.141 of 2016), in which, after conclusion of arguments, judgment has been kept reserved. On the date of alleged occurrence dated 03.03.2019, petitioner was in custody, and as



such, he submits that it is a case of false implication.

The learned counsel for the State opposed the prayer for bail by submitting that altogether eight cases are pending against the petitioner also and that submission of the petitioner that he was in custody at the time of alleged occurrence is subject to verification by the learned court below.

In the instant case petitioner is in custody since 24.12.2019.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Chapra**, in connection with **Rasulpur P.S. case No. 29 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates, his bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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