

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22286 of 2020

Arising Out of PS. Case No.-39 Year-2014 Thana- TARAIIYA District- Saran

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Rakesh Tiwary son of late Krishna Nath Tiwary, resident of Village-Jaithar,
P.S.-Taraiya, District-Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the Opposite Party : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 04-11-2020 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State via video

conferencing.

2. The petitioner has filed the present

application under Sections 439 and 440 of the Code of Criminal

Procedure for grant of bail in connection with Taraiya P.S. Case

No.39 of 2014 registered under Section 302/34 of the Indian

Penal Code.

3. Learned counsel appearing for the petitioner

contended that the petitioner is neither named in the FIR nor any



incriminating material has come against him during investigation. He has been arrested on 27.02.2020 merely on suspicion. He contended that the occurrence took place on 14.05.2014 but the FIR was registered against unknown and the name of the petitioner surfaced for the first time in the case on 25.05.2014 when the informant alleged that he came to know from the wife of his younger brother that in the night of 13.05.2014, five accused persons including the petitioner called upon the deceased to watch orchestra in the village and deceased accompanied them. He further contended that there is no eye witness to the occurrence and merely on suspicion and hypothetical presumption, the petitioner has been charge-sheeted in the case.

4. Learned Additional Public Prosecutor for the State has opposed the application for grant of bail to the petitioner. He submitted that during investigation, name of the petitioner transpired. She further contended that merely because there is some delay in naming the petitioner, the prosecution case cannot be doubted.

5. Be that as it may, considering the submission made above and the materials collected during trial, the petitioner is directed to be released on bail on furnishing bail



bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Taraiya P.S. Case No.39 of 2014 (GR No.1985 of 2014).

6. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my e-mail by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my e-mail id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Senior



Secretary/registry for up-loading of the present
order without compromising with the norms of
social distancing.

(Ashwani Kumar Singh, J)

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