

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23092 of 2020

Arising Out of PS. Case No.-346 Year-2019 Thana- HARSIDHI District- East Champaran

SUSHIL TIWARI Son of Late Sunardeo Tiwari Resident of Village-Sareya
Baduraha, P.S.-Dumariyaghat, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the informant	:	Mr. Jai Narayan Thakur, Advocate
For the State	:	Mr. Prateek Tandon, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-11-2020 Heard Mr. Abhishek Kumar, learned counsel for the petitioner, Mr. Prateek Tandon, learned counsel for the informant and Mr. Jai Narayan Thakur, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Harsidhi P.S. Case No. 346 of 2019 registered for the offences punishable under Sections 307, 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation as per the First Information Report is that the son of the informant had gone to Motihari along with Pintu Tiwary and he was accosted by five named



accused persons in the First Information Report and was killed by them by causing firearm injury.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report and has falsely been implicated in this case merely on the basis of the fact that he along with the co-accused Satendra were seen moving on a Motorcycle near the place of occurrence. Learned counsel further submits that there is no eye witness to the occurrence and nobody has seen the petitioner firing upon the deceased. Learned counsel also submits that other co-accused persons who are named in the First Information Report have been granted regular bail By co-ordinate Benches of this Court in Cr. Misc. Nos. 12836 of 2020, 6453 of 2020 and 18247 of 2020 respectively. Learned counsel next submits that similarly situated co-accused person whose bail application was rejected by learned court below along with the petitioner, has been granted bail by co-ordinate Benches of this Court in Cr. Misc. 23197 of 2020, 24075 of 2020 and 22967 of 2020 respectively. The petitioner is said to be in custody since 22.10.2019.

On the other hand, learned counsel for the



informant submits that the petitioner has confessed before the Police that he had fired upon son of the informant leading to his death.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted bail by co-ordinate Benches of this Court and the petitioner is in custody since 22.10.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Harsidhi P.S. Case No. 346 of 2019 subject to the following conditions:-

(i) that petitioner shall cooperate in the trial and shall be properly represented on each and every dated fixed by the court and shall remain physically present, as directed by the court below and on his absence on two consecutive dates without sufficient



reason, his bail bonds shall be cancelled by the court below.

(ii) that if the petitioner tampers with the evidence or the witnesses, in that event, the prosecution will be at liberty to move for cancellation of bail.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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