

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24075 of 2020

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

Pintu Tiwari Son of Birendra Tiwari Resident of Village - Siswa Sirani, P.S. -
Malahi, District - East Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Abhishek Kumar, Advocate

For the Opposite Party : Mr.Md. Arif, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-09-2020 Heard learned counsel for the petitioner as well as
learned counsel for the State through video conferencing.

Petitioner is an accused in Harsidhi Police Station
Case No. 346 of 2019 registered for the offence punishable
under sections 307, 302,120B/34 of the Indian Penal Code as
also under section 27 of the Arms Act.

It is alleged by the informant that on 12.10.2019 at 8
am his son Shahid Hussain and the petitioner proceeded
somewhere for some urgent work. No sooner they left the
house, at 9 am he got information that his son has been killed by
accused persons, namely, Sheikh Afrad Ali, Sheikh Imteyaz,
Sheikh Raiuziddin @ Minister and Naushad @ Lalu.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that save and except confessional statement of co-accused
Sushil Tiwari who named the petitioner as a liner, nothing
incriminating has come during investigation to connect the
petitioner with the occurrence. It is further submitted that the
FIR is against named accused persons, but the petitioner has not
been named therein by the informant. Besides, prior to the
occurrence, the accused persons tried to murder the informant
for which Turkauliya (Raghunathpur) Police Station Case No.



438 of 2019 had been lodged against co-accused persons but the petitioner was not made accused in that case. Similarly situated three co-accused persons, namely, Naushad, Manjoor Alam and Sheikh Afrad Ali have already been allowed bail by different benches of this Court, which have been mentioned in paragraph 14 of the bail petition. Petitioner is in custody since 16. 1.2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at Motihari in Harsidhi Police Station Case No. 346 of 2019, subject to the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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