

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58207 of 2019

Arising Out of PS. Case No.-71 Year-2015 Thana- KOCHAS District- Rohtas

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Pankaj Tiwari @ Mantu Tiwari @ Mantu, Son of Sri Banarsi Tiwari, Resident of Village-Fulli, P.O.-Dighita, P.S.-Kochas, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Naresh Sharma, Advocate
For the Opposite Party/s : Mr.Aditya Narayan Singh-1, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-09-2020 Since as of now the Courts have not resumed normal physical hearing, 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 and the learned APP for the State.

The petitioner seeks bail in connection with Sessions Trial No.436 of 2017 arising out of Kochas P.S. Case No.71 of 2015 registered for the offence punishable under Section 304B/201/34 of the Indian Penal Code.

The petitioner had earlier twice approached this Court



for grant of bail. The first prayer was rejected in Cr.Misc. No.13256 of 2018 on 12.04.2018. The second prayer was also rejected in Cr.Misc. No.76649 of 2018 on 13.02.2019.

Petitioner's counsel submits that being husband, the petitioner has been in custody since 28.06.2017 i.e., more than three years.

Earlier this Court had called for a report from the trial court. The report shows that till March, 2020, eight out of twelve witnesses have been examined.

The submission is that on account of prevalent pandemic conditions arising out of COVID-19, there has been no further progress in the trial. Even the informant has not appeared in the court for his deposition.

Learned APP has opposed the prayer for bail.

Considering the aforesaid submissions as well as the period of custody, which is now much more than three years, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner 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 learned A.D.J.-14, Rohtas at Sasaram, in connection with Sessions Trial No.436 of 2017 arising out of Kochas P.S. Case No.71 of 2015,



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.

The petitioner would, however, be under the legal obligation to be present/represented at the trial on each and every date so as to facilitate progress and conclusion of the trial expeditiously.

(Madhuresh Prasad, J)

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