

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54648 of 2019

Arising Out of PS. Case No.-119 Year-2018 Thana- GARDANIBAG District- Patna

RAM TIWARY, Son of Late Saravjeet Tiwary, Resident of Village -
Dhamawal Shahpur, Champur, P.S.- Shahpur, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-05-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Anil Kumar, learned counsel for the petitioner and Mr. Uma Shankar Prasad Singh, learned APP for the State.

The petitioner who is in custody since 26.03.2018 has renewed the prayer for bail in connection with a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution got initiated on the basis of fardbeyan of Santosh Kr. Singh recorded by Shardendu Sharat, Inspector -cum-S.H.O., Gardanibagh Police Station on 24.03.2018 at 12.30 P.M. is to the effect that on 24.03.2018 at about 10.30 A.M. when the informant along with other staff were discharging their duties at Room No. 302, Vishnu Niwas



Apartment situated Gardanibagh, all of sudden, at 11.30 A.M., he heard the sound of gun firing when one neighbouring lady conveyed to the informant that the firing has been resorted to on the ground floor of the apartment. The informant along with the staff came on the ground floor and saw his employer, Kameshwar Singh lying in pool of blood with fire arm injury on his head. Thereafter, the informant tried to locate the miscreants and came to know that the petitioner, Ram Tiwary and others were found escaping from the place of occurrence. Subsequently, from the CCTV footage, it transpired that the petitioner was found running away from the place of occurrence.

It is submitted by learned counsel for the petitioner that there is no eye witness to the occurrence and the petitioner was an employee of the informant, however, there was some dispute with regard to the wages, hence, on suspicion, the accusation has been levelled against the petitioner. Moreover, out of ten charge-sheet witnesses, only five witnesses have been examined, hence, there is no likelihood of trial being concluded in near future. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP for the State submits that CCTV footage suggests that the petitioner was found running away from the place of occurrence, hence, it is suspected that the petitioner resorted to fire. The trial is going on and about five witnesses have already been examined. However, the materials on record does not suggest that there is any eye witness to the occurrence.

Considering the suspicious nature of accusation and there is no likelihood of trial being concluded in near future and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ADJ-VIII, Patna, in connection with S.T. No. 496 of 2018 arising out of Gardanibagh P.S. Case No. 119 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on the photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ADJ-VIII, Patna, in connection with S.T. No. 496 of 2018 arising out of Gardanibagh P.S. Case No. 119 of 2018.

The learned Court below will further be at liberty to extend the period of provisional bail further if the lockdown, due to the present pandemic COVID-19, is not over in next three months.

However, the learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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