

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86197 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- BAGENGOLA District- Buxar

BAJRANGI TIWARY S/o Gupteshwar Tiwary @ Gupteshwar Nath Tiwari
R/o village- Bhadwar, P.S.- Bagen Gola, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kamal Kishore Sinha, Advocate
For the Opposite Party/s	:	Mr.Shyam Bihari Singh, APP
For the informant	:	Dr. Kamldeo Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

5 01-06-2020 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302 of the Indian Penal Code.

Informant has alleged that on 14.09.2019 at about 6 p.m., he along with his brother Pradeep Sah went to market to buy vegetable and chokar and in the market he met with Yogendra Pandey. Further the informant after taking vegetable returned back but due to non-availability of wheat bran, brother of the informant and Yogendra Pandey proceeded for village Kurithiyan to purchase Chokar. At 7 p.m., the informant came to know that some persons were assaulting in the orchard of



Tulsi Mahto and when he reached there, he found that his younger brother Pradeep Sah and Yogendra Pandey were lying in the orchard in a pool of blood. The police reached at the orchard and found that one Bajrangi Tiwari (petitioner) was there on the tree and it is alleged that he has killed Pradeep Sah and Yogendra Pandey.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to previous enmity and village politics. It has further been submitted that petitioner never confessed his guilt and the police forcibly obtained his signature on plain paper. It has further been submitted that there is no eye-witness of the occurrence as nobody has seen the occurrence. Informant is also not an eye-witness. There appears to be interpolations in the FIR and in the FIR itself, it has been stated by the informant that villagers told him that few persons are assaulting someone in the orchard of Tulsi Mahto. It is unlikely that a person after committing murder will climb on a tree and remain there till coming of police. It is lastly submitted that petitioner is a student of M.Sc. and his incarceration in custody would spoil his career. Petitioner has no criminal antecedent and he is in custody since 15.09.2019.

Learned counsel for the informant has vehemently



opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bagen Gola P.S. Case No. 58/2019, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(S. Kumar, J)

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