

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41090 of 2021**

Arising Out of PS. Case No.-514 Year-2015 Thana- NAUBATPUR District- Patna

CHOTU TIWARI @ CHOTE TIWARI @ SUJEET TIWARI Son of Late
Rang Nath Tiwari Resident of Village- Tiwari Chak, P.S.- Naubatpur and
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra

For the Opposite Party/s : Mr.Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 27-10-2021 Heard learned counsel for the parties.

This application for regular bail arises out of Naubatpur P.S. Case No. 514 of 2015, corresponding to S. Tr. No. 209 of 2021, disclosing offence punishable under Sections 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner's prayer for grant of regular bail was earlier rejected by an order of this Court dated 27.01.2021, passed in Cr. Misc. No. 34010 of 2020. The petitioner is in custody since 01.06.2020.

There is allegation against the petitioner and two other persons named in the FIR of having shot at the informant with pistol causing four fire-arm injuries. It is further case of the



prosecution that the informant was taken to a private hospital. The injury report supports the case of the prosecution as disclosed in the FIR, inasmuch as, the informant is found to have sustained three fire-arm injuries.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner has remained in custody for nearly one and half years and there is no chance of the petitioner absconding from the course of the trial. He has further submitted that the case of the prosecution that the victim having sustained fire-arm injuries is based on the injury report prepared in a private hospital. He submits that despite the fact that the medical facilities are available near the alleged place of occurrence, the allegation that the victim was taken to a private hospital for treatment raises some suspicion over the veracity of the prosecution case.

By an order of this Court dated 22.09.2021 a report was called from the court below where the trial of the case is pending, from which it appears that no witness has been examined.

Considering the above submission and the petitioner's incarceration, this application is allowed. Let the petitioner, above-named, be released on bail on furnishing bail bonds of



Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Sessions Judge IInd, Danapur, Patna, in Naubatpur P.S. Case No. 514 of 2015, corresponding to S. Tr. No. 209 of 2021.

This is subject to the condition that the petitioner shall present himself before the Court as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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