

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8027 of 2022

Arising Out of PS. Case No.-243 Year-2021 Thana- PAKRIDAYAL District- East Champaran

SURENDRA TIWARY Son of Brahmanandan Tiwary Resident of Village -
Tharbitiya, P.s.- Pakaridayal, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302, 120(B), 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is stated by the informant that she received information that her son Guddu Kumar Yadav is seriously injured due to fire shot near Shekhpurwa in Pakaridayal area. Later on she received information that her son died. The informant has full faith that accused Afroz and Harun in conspiracy called her son from



home and killed him.

Learned counsel appearing for the petitioner submits that in fact the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of the co-accused, namely, Parikshan Sahani. He further submits that except the confessional statement of the co-accused nothing has come, during investigation, against the petitioner and there is no eye witness of the alleged occurrence and the petitioner has no concern at all with the alleged occurrence and the police, after investigation, submitted chargehsheet against the petitioner and the petitioner is in custody since 14.11.2021.

Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that co-accused has stated in para-50 of the case diary that there is involvement of the petitioner in the present case. Further submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned Court below



where the case is pending in connection with Pakaridayal
P.S.Case No. 243 of 2021, with 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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