

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9023 of 2022

Arising Out of PS. Case No.-656 Year-2020 Thana- CHANPATIA District- West Champaran

AKHILESH TIWARI SON OF JAGANNATH TIWARI, RESIDENT OF
VILLAGE- PURAINA, GOSAI, P.S.- CHANPATIA, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 341, 323, 324, 307, 379, 504, 506
and 34 of the Indian Penal Code.

The informant is said to have been assaulted by the
deadly weapons like iron rod and farsa by the petitioner and
others due to which he sustained injuries.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the parties are happen to be
neighbourer and there is case and counter case between



them on account of a land dispute between. He further submits that the specific allegation of assault is attributed to the co-accused Awadh Kishore Tiwary. He further submits that the similarly situated co-accused, namely, Dharmendra Tiwary @ Dharmesh Tiwari along with Nilesh Tiwari, Lal and Babu Shukla have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.02.2022 passed in Cr. Misc. No. 32172 of 2021. Another co-accused, Awadh Kishore Tiwary, has already been granted anticipatory bail by a co-ordinate Bench of this Court on 02.03.2022 passed in Cr. Misc. No. 36166 of 2021. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 06.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Chanpatia P.S. Case No. 656 of 2020 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 canceled 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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