

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10954 of 2022

Arising Out of PS. Case No.-263 Year-2021 Thana- MAHARAJGANJ District- Siwan

Sagar Tiwari @ Sagar Kumar Tiwari Son Of Naveen Tiwari R/O Village-
Khanpur, P.S.- Manjhi, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Adv
For the Opposite Party/s	:	Mr.Nagendra Prasad, APP
For the Informant	:	Mr. Yogesh Chandra Verma, Sr.Adv
	:	Mr.Ajay Kumar Pandey, Adv

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2022 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 302,120B of the Indian Penal Code and Section 27 of Arms Act.

As per FIR, allegation against co-accused Keshav Raj @ Avinash Tiwari is that he fired from pistol on head and neck of Devar of the informant namely Mahindra Kishore Tiwary @ Punnu Bab as a result whereof he died on the spot. Allegation against the petitioner is that only he was present at the time of



occurrence.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation of firing is against co-accused, namely, Keshav Raj @ Avinash Tiwari. He further submits that there is no allegation of overt-act or firing against the petitioner. The allegation against the petitioner is that only he was present at the time of occurrence. He further submits that the similarly situated co-accused, namely, Niraj Mishra @ Niraj Tiwari has been granted bail vide order dated 26.05.2022 in Cr. Misc. No.7399 of 2022 by a Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.11.2021.

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 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 Maharajganj P.S.



Case No.263 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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