

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25451 of 2022

Arising Out of PS. Case No.-421 Year-2020 Thana- EKMA District- Saran

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1. RAJESH TIWARI SON OF NAGESHWAR TIWARI R/O VILLAGE-KESARI, P.S.- EKMA, DISTRICT- SARAN
 2. NAWLESH TIWARI SON OF NAGESHWAR TIWARI R/O VILLAGE-KESARI, P.S.- EKMA, DISTRICT- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr.Ashok Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-09-2022 On call, no one appears on behalf of the petitioners.

Heard learned APP for the State through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioners are accuseds in connection with Ekma P.S. Case No. 421 of 2020 under Section 302 of the Indian Penal Code and 27 of Arms Act.

As per the allegation, the informant has named unknown accused persons for the alleged killing of her son as also one Rohit Tiwari.

As per the averments made in the bail application, the



petitioners have been falsely implicated in this case only on the basis of the suspicion raised by the informant. The further averment is that both the petitioners have no criminal antecedent and are in custody since 14.06.2021.

On the other hand, learned APP for the state submits that in course of investigation, the father, mother and the relative of the deceased have alleged them to be the accused persons behind the killing of her son and one Rohit Tiwari.

As per the further materials on record, one of the similar situated co-accused Kamlesh Tiwari has since been granted privilege of bail vide order dated 08.03.2022 passed in Cr. Misc. No. 34268 of 2021 by a co-ordinate Bench of this Court

Taking into account the aforesaid facts as also the rival submission of the parties as also that the petitioners are in custody since 14.06.2021, charge sheet stands submitted and one of the co-accused, namely, Kamlesh Tiwari has since been released on bail as stated above, this Court is inclined to grant them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of ACJM 1st Saran at



Chapra in connection with Ekma P.S. Case No. 421 of 2020,
subject to the following conditions.

(i) one of the bailor should be the family member of
the petitioners, who shall provide official document to show
his/her *bona fide*;

(ii) the petitioners shall appear on each and every
date before the Trial Court and failure to do so for two
consecutive dates without plausible reasons will entail their
cancellation of bail by the Trial Court itself;

(iii) they shall in no way try to induce or promise or
threat the witnesses or tamper with the evidence, failing which
the State shall be at liberty to take steps for cancellation of their
bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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