

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45125 of 2021**

Arising Out of PS. Case No.-120 Year-2020 Thana- NATIONAL HIGHWAY District-
Samastipur

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BHUTELI TIWARY, Son of Sanjay Tiwary @ Manoj Tiwary, Resident of
Village - Manohar Kanahauli, P.S.- Baniyapur, Distt.- Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Saket Anand, Advocate
For the Opposite Party/s	:	Mr.Raj Kishore Singh, A.P.P.
For the Informant	:	Mr. Dilip Kumar Roy, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 22-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Raj Kishore Singh, learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bangara P.S. Case No. 120 of 2020 registered
for the offences punishable under Sections 147, 149, 307, 323,
324, 341, 354, 379, 504, 506, 302 of the Indian Penal Code. He
is in custody since 25.05.2021. The petitioner has got no
criminal antecedent.

As per the prosecution story, the deceased, his son and



other family members were called by the Mukhiya of the Panchayat in connection with a panchayati with the petitioner's family. The occasion for panchayati had arisen because an earlier occurrence in which the daughter of the informant was allegedly assaulted when she had gone to sell cloths. It is alleged that when the informant and his other family members were at the house of Mukhiya of the Gram Panchayat, the petitioner, his father-in-law and brothers-in-law of this petitioner had also come. It is alleged that when the informant and his family members reached there the co-accused Kundan Tiwary and this petitioner caught hold of the right and left hand of the informant and ordered the co-accused Sanjay Tiwary to penetrate the dagger into the body of the informant Pramod Tiwary, whereupon Sanjay Tiwary penetrated a dagger on the upper abdomen part near the chest of the informant. At this stage, when Sagar Tiwary, son of the informant, came running to save him, the eldest son namely, Sahil Tiwary of co-accused Sanjay Tiwary penetrated a dagger into the waist of the son of the informant and Samir Kumar penetrated a dagger into the chest of the son of the informant. The statement of the informant Pramod Tiwary was recorded by S.I. of Police on 19.09.2020 itself in Lokesh Hospital. Later on the informant succumbed to



his injuries and died. The fardbeyan was forwarded to S.H.O. Bangara Police Station which has given rise to the present case being Bangara P.S. Case No. 120/2020 dated 12.10.2020.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 25.05.2021.

Learned counsel submits that the petitioner being the son-in-law of Sanjay Tiwary the main accused of this case, has been made accused in this case having no overt act against him though it is alleged that he had caught hold of the hand of the deceased but the said part of the allegation has not been substantiated in course of investigation. The main assailants are the co-accused who are not before this Court and earlier this Court has rejected the prayer for bail of the co-accused Samir Kumar @ Samir Tiwary who was one of the assailants.

Learned counsel further submits that the presence of the petitioner may be secured in course of trial.

Learned counsel for the informant has though opposed the prayer for bail of the petitioner but does not controvert the submission that against the petitioner there is no



allegation of commission of the overt act though it is alleged that he had allegedly caught hold of the hand of the deceased and chances of false implication cannot be ruled out.

Mr. Raj Kishore Singh, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that so far as this petitioner is concerned, he has been falsely implicated in this case being the son-in-law of Sanjay Tiwary, the main accused of this case, no overt act has been alleged against him though it is alleged that he had caught hold of the hand of the deceased but the said part of the allegation has not been substantiated in course of investigation, the main assailants are the co-accused who are not before this Court and earlier this Court has rejected the prayer for bail of the co-accused Samir Kumar @ Samir Tiwary who was one of the assailants, this petitioner has got no criminal antecedent and has remained in custody in connection with this case since 25.05.2021, investigation against him is complete and his presence may be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Samastipur in



connection with Bangara P.S. Case No. 120 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

