

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36924 of 2022

Arising Out of PS. Case No.-61 Year-2020 Thana- BARHARIA District- Siwan

CHHATIS TIWARI Son of Late Bharat Tiwari Resident of village - Padawan,
P.S.- Barharia, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant states that soon after his son went with the petitioner, a gun shot was heard and on reaching the place of occurrence, he found his son to have been shot dead.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 23.12.2021 (Annexure-1) passed in Cr. Misc. no. 30816 of 2021 wherein learned trial Court was directed to conclude the trial within a period of six months. In spite of the



petitioner having remained in custody since 19.2.2020, eight months having passed since the order of last rejection, there is no chance of the trial concluding in the near future. Referring to the certified copy of the deposition of the four prosecution witnesses examined, it is submitted that none of the prosecution witnesses examined are eye-witness. The petitioner is in custody since 19.2.2020 and undertakes to cooperate in the trial.

The prayer for bail is opposed by learned A.P.P for the State. However, on going through the certified copy of the deposition of the prosecution witnesses he concedes that none of the prosecution witnesses are eye witness of the occurrence. The certified copy of the deposition of the four witnesses are taken on record.

Having heard learned counsel for the parties and taking into consideration the nature of allegation together with the contents of the deposition of witnesses and the petitioner having remained in custody since 19.2.2020, the petitioner is directed to be enlarged on bail in connection with S.T. no. 112 of 2020 (arising out of Barhariya P.S. Case no. 61 of 2020) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum-Special Court,



Siwan on the following conditions :

(i) one of the bailors of the petitioner shall be close relative of the petitioner.

(ii) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(Partha Sarthy, J)

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