

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53286 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- CHENARI District- Rohtas

1. OM PRAKASH TIWARY Son of Late Lalan Tiwary Resident of Village-Urda, P.S.- Chanari, District- Rohtas at Sasaram.
2. Bipul Tiwary @ Rajnikant Tiwary Son of Late Lalan Tiwari Resident of Village- Urda, P.S.- Chanari, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-04-2022

Heard learned counsel for the parties

The petitioners seek bail in connection with Chenari
P.S. Case No. 108 of 2020 registered under Section 302/34 of
the Indian Penal Code.

As per the prosecution case, the family member of the
informant were sleeping on the roof and around midnight he
heard some noise went up stairs and found that his father is in a
pool of blood and was unable to speak but indicated through
gesture that the named accused including the petitioner herein
used the different ways to come to the roof and Chandan
Tiwary gave *kudal* blow on his throat that resulted into injury on
the neck. His father died immediately thereafter.



Learned counsel for the petitioner submits that omnibus allegation has been levelled against others including the petitioner herein that they were part of this incident although specific allegation has been levelled against Chandan that he gave *Kudal* blow to the deceased. He further submits that there is omnibus allegation against the petitioners herein that they were accompanying Chandan Tiwary who actually gave *Kudal* blow. He further submits that they are in custody since 28.05.2021. As such, they deserve bail.

Taking into consideration the aforesaid facts as also that the petitioners are in judicial custody since 28.05.2021, this Court is inclined to grant the privilege of bail to the petitioners.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Chennari P. S. Case No. 108 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram, subject to the following conditions :-

(i) they shall cooperate in the trial by appearing on each and every date and failure to do so on two consecutive dates without plausible reasons will entail cancellation of their respective bails by the Trial Court itself;



(ii) they shall in no way induce, promise or threaten the informant or his family member and failure to abide by the said condition, the State shall be at liberty to take steps for cancellation of their respective bail bond.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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