

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54273 of 2021

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

Kundan Tiwari @ Kundan Tiwary S/O Surendra Tiwari R/O Village-Hari Shankerpur, Baghauni, P.S-Tajpur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat, Advocate Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Umesh Lal Verma, APP
For the informant	:	Mr. Dilip Kumar Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner is in judicial custody in Bangra P.S.
Case No. 120 of 2020 under Sections 147, 149, 307, 323, 324,
341, 354, 379, 504, 506 and 302 of the Indian Penal Code.

As per prosecution case, the informant's daughter had
gone to sell clothes at Sirsiya where she was assaulted by the
accused persons and the clothes were snatched.

It has further been alleged that on the fateful day, a
Panchayat was held but Sanjay Tiwary and Bhuteli Tiwary came
to assault her and it is alleged that while the petitioner herein
caught right hand accused Bhuteli Tiwary caught his left hand
and Sanjay Tiwary attacked with knife in the stomach. When



Sagar Tiwary, son of the informant tried to save him, it is alleged that Sahil Tiwary gave knife blow on his 'Panjara', and further hit on the chest with knife and snatched gold chain. The informant subsequently died.

Learned counsel for the petitioner submits that the petitioner has not given knife blow to the informant and he was merely holding his hand and it is the accused Sanjay Tiwary who actually gave fatal blow. He further submits that another co-accused Bhuteli Tiwary having similar charge of holding left hand of the informant has since been enlarged on bail vide Cr. Misc. No. 45125 of 2021 on 22.2.2022. He as such submits that he also be extended the said benefit.

The order sheet of Cr. Misc. No. 45125 of 2021 relating to Bhuteli Tiwary disposed of on 22.2.2022 be kept on record.

Learned counsel for the informant as well as the State concedes the contention of the learned counsel for the petitioner that allegation against him is similar to that of the accused Bhuteli Tiwary who has since been enlarged on bail.

Learned counsel for the petitioner submits that charge-sheet has already been completed in the matter and as such there is no question of tampering with the evidence.



In the aforesaid circumstances, let the petitioner be released on bail on furnishing bail bond of Rs. 25000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-IV, Samastipur, in connection with Bangra P.S. Case No. 120 of 2020 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his cancellation of bail by the Trial Court itself.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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