

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55415 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- BARH District- Patna

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Rohit Tiwary @ Aman Tiwary S/o Madan Tiwary R/o village- Pandarak,
Jagdish Dwar, Pandarak, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Barh P. S. Case No. 228 of 2020 registered for the offences punishable under Sections 307, 302, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it is alleged that on 25.06.2020, while the informant was going along with his elder brother and his uncle, namely, Virendra Kumar, three persons named in the F.I.R. made indiscriminating firing causing gun shot injury to Virendra Kumar and this informant, due to which Virendra Kumar succumbed to injury.



Learned counsel for the petitioner submitted that the petitioner is not named in the F.I.R. and his name surfaced on the confessional statement of co-accused Babli Singh. It is further submitted that though the petitioner is in custody since 04.03.2021 but till date, he has not been put on T.I.P.. It is next submitted that other co-accused persons having similar allegation have already been granted bail by co-ordinate benches of this Hon'ble Court in Cr. Misc. No. 6294 of 2021 and Cr. Misc. No. 1205 of 2021 vide order dated 09.08.2021 and 12.03.2021 respectively (Annexure 2 & 3), It is further submitted that investigation has been concluded and charge-sheet has already been submitted.

On the other hand, learned APP for the State submitted that the petitioner has been found involved in two other cases, apart from the present one.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that the petitioner is not named in the F.I.R. and his name has transpired in the confessional statement of co-accused, further during the course of investigation no incriminating material, except confessional statement, has come which suggest the complicity of this petitioner, in the present case. The petitioner is in custody



since 04.03.2021, let this petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial magistrate, Barh, in connection with Barh P. S. Case No. 228 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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