

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50595 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- CHAORI District- Bhojpur

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Munna Tiwary Son of Kanhaiya Tiwary @ Kanhaiya Tiwari Resident of
Village - Gorari, P.S.- Gorari (Karakat), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Singh, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel for the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chauri
P.S. Case No. 42 of 2022 registered for the offence under
Sections 302, 147, 148, 149, 448, 379, 342 and 504 of the
Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.06.2022.

The allegation against the petitioner is to commit
murder of father of the informant, where, subsequently, after
investigation, charge-sheet was submitted u/s 304 of the Indian



Penal Code.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is founded over matrimonial/family dispute, where petitioner has been falsely implicated, as he is not connected, in any manner, with the family of the main co-accused. It is further submitted that the allegation of fatal assault is available against the other co-accused persons, Rang Bahadur Tiwary, Suraj Tiwary, Dhiraj Tiwary and Banti Mishra @ Makhan Mishra, where no overt act is attributed to this petitioner. It is also submitted that after completion of investigation, charge-sheet has been submitted u/s 304 of the Indian Penal Code. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance and, moreover, of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that allegation of fatal assault is not available against this petitioner.

In view of the facts and circumstances, as mentioned above, as the allegation of fatal assault is not available against



this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chauri P.S. Case No. 42 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Bhojpur at Ara/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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