

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61248 of 2021

Arising Out of PS. Case No.-116 Year-2019 Thana- MUFFASIL District- West Champaran

1. ADITYA NATH TIWARI @ ADITYA KUMAR TIWARI Son of Late Nagina Tiwari
2. Abhay Tiwari Son of Sri Aditya Nath Tiwari @ Aditya Kumar Tiwari.
Both Resident of Village- I.T.I. Dhangar Toli, P.S.- Bettiah Muffasil,
District- West Champaran Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302, 120B, 34, 406, 420, 467, 470, 471 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 28.02.2019, while the brother of the informant was sleeping at his under construction house for guarding the building materials, the accused persons including the petitioner herein had arrived there and shot dead the brother of the informant.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that there is no eye witness of the



alleged occurrence. He further submits that during investigation co-accused, namely, Mohan Mahto @ Mohan Kumar has confessed and he took responsibility of commission of the alleged occurrence in the midnight upon himself. He further submits that co-accused, namely, Mohan Mahto @ Mohan Kumar has been granted bail vide order dated 13.01.2020 in Cr. Misc. No.66836 of 2019 by a Coordinate Bench of this Hon'ble Court and co-accused, namely, Raghav Yadav has been granted bail by the learned court below itself. He further submits that petitioner No.1 is a Head Clerk in the office of the Babaro Bhimrao Ambedkar Bihar University, Muzaffarpur and the petitioner No.2 is his son, and is a student and they are in custody since 16.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bettiah Muffasil Police Station Case No.116 of 2019, with



the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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