

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53374 of 2022

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

Daya Shankar Tiwary S/O Late Sidhnath Tiwary Resident of village- Gorari,
P.S.- Karakat, District- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

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

The accused/petitioner is not named in the F.I.R. and
is in custody since 01.06.2022.

The allegation against the petitioner is to commit
murder of the father of the informant, where subsequently after
investigation charge-sheet has been submitted under Section 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 was 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 committing fatal assault available against other co-accused persons, as per F.I.R., where no incriminating material recovered/surfaced during the course of investigation, which may connect petitioner, *prima facie*, with present occurrence. It is also submitted that after completion of investigation charge sheet has been submitted under Section 304 of the Indian Penal Code. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, duly assisted by learned counsel appearing on behalf of the informant, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as 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 been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chaori 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/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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