

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68230 of 2021

Arising Out of PS. Case No.-33 Year-2019 Thana- NASRIGANJ District- Rohtas

ROHIT TIWARY Son of Rabindra Tiwary Resident of Village- Chitokhar,
P.S.- Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma (Sr. Advocate)
		Mr. Lakshmi Kant Sharma, Adv.
For the Opposite Party/s	:	Mr. Anant Kumar I, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Nasriganj P.S. Case No. 33 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant Poonam Devi submitted a written report that she received information regarding death of her mother namely Kunti Kuwar as well as her younger brother namely Mantu Pandey and it is stated by the informant that the dead body of her mother and her brother



were lying inside the house and also found mark of sharp cutting weapon and gun shot injuries on the head of the deceased. It is further stated that the elder brother of informant namely Dharmendra Pandey alias Satish Pandey along with brother-in-law (present petitioner) went to maternal home of the informant and asked maternal uncle namely Ravindra Sharma not to solemnize marriage of Mantu Pandey and it is alleged that threatening was also given if marriage would be solemnized then petitioner and others would commit murder of Mantu Pandey (deceased).

Learned counsel for the petitioner submits that petitioner is in custody since 11.08.2021. Petitioner bears two criminal antecedent in which he is on bail. Co-accused Dharmendra Pandey @ Satish Pandey has already been granted bail against whom the motive can be assigned with regard to the alleged occurrence. The case of the present petitioner stands on better footing as he is the brother in law of co-accused Dharmendra Pandey. There is no direct concern so far as be it a motive or anything else with regard to the said occurrence. No incriminating article has been recovered to connect the said petitioner with the alleged occurrence. There is no eye witness of the said occurrence and so far as the circumstantial things are



concerned, there is no chain of occurrence which can be assigned to the present petitioner with regard to the alleged occurrence. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody as well as nature of allegation and charge-sheet has already been submitted and argument advanced on behalf of both the parties and also taking into consideration the material available on record, let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Bikramganj, Rohtas in connection with Nasriganj P.S. Case No. 33 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned



Trial court itself.

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

(Alok Kumar Pandey, J)

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