

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21143 of 2023

Arising Out of PS. Case No.-98 Year-2020 Thana- MUSAHARI District- Muzaffarpur

Kishuni Tiwari, Son of Gauri Shankar Tiwari @ Gauri Tiwari, R/O Village-
Dwarika Nagar, P.S.- Mushahari, District- Muzaffarpur, Bihar.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate.
For the State : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 12-05-2023 The applicant/accused in Sessions Trial No.242 of 2022 pursuant to Crime No.98 of 2020 registered with Police Station- Mushahari for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during the pendency of the trial. This is second bail application of the applicant, the earlier one was rejected vide order dated 01.02.2022.

The learned counsel for the applicant argued that there is no eye witness to the incident in question. It is further argued that the F.I.R. has been sent to the concerned court belatedly after six days. The charge is framed but no witnesses are examined by the prosecution as of now.

The learned A.P.P. opposed the application.

I have considered the submissions so advanced.



With a detailed order, earlier bail application of the applicant was rejected by this Court by observing that within few hours of the applicant taking with him deceased Pawan Kumar, dead body of Pawan Kumar was found. There is evidence regarding last seen theory. Hence, no case for grant of bail is made out as there are no changes in circumstances.

The application is, accordingly, rejected. However, the learned trial court is directed to expedite the trial in the wake of the fact that the applicant is undergoing pretrial detention from the year 2020.

(A. M. Badar, J)

P.S./-Bhardwaj

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