

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20942 of 2023

Arising Out of PS. Case No.-248 Year-2022 Thana- BRAHMPUR District- Buxar

MANAN TIWARI SON OF LATE HARI NARAYAN TIWARI RESIDENT
OF VILLAGE - BISHUPUR, P.S. - NAINIJOR, DISTT. - BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Shankar Roy, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 15.10.2022 in connection with Brahampur (Nanijor) P.S. Case No. 248/2022, F.I.R. dated 12.04.2022, for the offences punishable under Sections 302, 120(B) of the IPC & Section 27 of the Arms Act.

According to prosecution case, the father of the informant went to temporary house to live there and in the morning, the informant came to know that his father was killed by some unknown person.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case merely on the basis of suspicion. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been



transpired during investigation on the basis of the statement of witness, namely, Om Prakash Tiwari. He further submits that initially the petitioner is a seizure list witness, which appears from paragraph-6 of the case diary and even the witness has mentioned in paragraph 80 of the case diary that he is not an eyewitness of the alleged occurrence and he has only raised suspicion against the petitioner and except suspicion, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.10.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner out of nine cases, he is on bail in eight cases and one case is pending for consideration before the learned Court below.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned C.J.M.,
Buxar in connection with Brahmpur (Nainijor) P.S. Case No.
248/2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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)

amit/-

U		T	
---	--	---	--

