

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23755 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- MAHARAJGANJ District- Siwan

MURARI TIWARI Son of Girish Tiwari R/V- Rukundipur Tola Dhanauta,
PS- Daraunda, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
15.11.2022 in connection with Maharajganj P.S. Case
No.315/2022, dated 08.11.2022, for the offences punishable
under Sections 302/34 of the IPC & Section 27 of the Arms Act.

3. According to prosecution case, the petitioner along
with other co-accused persons surrounded the father of the
informant and co-accused namely Ravi Tiwari opened fire upon
him as a result of which he succumbed to the injury.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the F.I.R. is in two parts. In first part, the
specific allegation is against co-accused namely Ravi Tiwari and



Sonu Singh, who fired upon the deceased. In second part, there is general and omnibus allegation against all the accused persons including the petitioner that they have assaulted with leg and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that co-accused, namely, Baliram Tiwari has been granted bail by a co-ordinate Bench of this Court vide order dated 28.04.2023 passed in Cr. Misc. No.14654/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.11.2022.

5. Learned counsel for the informant as well as 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 has carried two criminal antecedent other than the present one.

6. 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 ACJM-1st, Siwan in connection with Maharajganj P.S. Case No.315/2022, 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)

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