

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28090 of 2023

Arising Out of PS. Case No.-87 Year-2021 Thana- HARLAKHI District- Madhubani

Pankaj Tiwari Son Of Krishna Tiwari Resident Of Village Chapo Chhapra Ps
Saraiya Distt Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Firoz Raza, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
24.11.2022 in connection with Harlakhi P.S. Case No. 87 of
2021, F.I.R. dated 27.03.2021 for the offences punishable under
Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

4. According to prosecution case, this petitioner took
a loan from the informant in the pretext of returning the same in
one month and when the informant demanded the same, then the
petitioner came at her house along with other accused persons
and assaulted the informant and her husband. It is further
alleged that they brutally attacked her husband by knife on the



abdomen.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that on pretext of returning the dues amount, the present occurrence has taken place. He further submits that as per the F.I.R. the petitioner has brutally assaulted the informant as well as her husband. He further submits that it appears that the date of occurrence is 20.03.2021 and the present F.I.R has been instituted on 27.03.2021 i.e. after delay of 7 days without giving any explanation of the said delay. He further submits that the injury report of the husband of the informant suggest that the injury is grievous in nature but the injury report of the informant suggest that her injury is simple in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.11.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. 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 Additional Sessions Judge-X, Madhubani in connection with Harlakhi P.S. Case No. 87 of 2021, 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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