

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30828 of 2023

Arising Out of PS. Case No.-168 Year-2017 Thana- KARAHGAR District- Rohtas

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Rahul Tiwari @ Rahul Shukla, Son of Vijay Shankar Shukla @ Late Vijay Shankar Tiwari, Resident of Village- Shukulpipara @ Shukl Pipara, P.S.- Mohania, District- Kaimur At Bhabua Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with Session Trial No. 121 of 2023 arising out of Kargahar P.S. Case No. 168 of 2017 registered for the offence punishable under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, co-accused Bablu Pandey, Disu Pandey, Rajesh Sah fired bullet on the father of the informant Jhunni Lal Chaudhary causing gunshot injury as a result of which he died.

Learned counsel for the petitioner submits that petitioner is not named accused and his name came on the confessional statement of the co-accused Chandan Kumar Pandey. Except the said confessional statement there is no material against the petitioner and no incriminating article have



been recovered from the possession of the petitioner. It is submitted that the person who fired on the deceased has been allowed bail in Cr. Misc. No. 46779 of 2017 and other co-accused namely Dhanjee Pandey @ Dhananjay Pandey and Chandan Kumar Pandey have been granted bail by the Co-ordinate Benches of this Court vide orders dated 10.05.2022 and 09.07.2018 in Cr. Misc. No. 68525 of 2021 and Cr. Misc. No. 31031 of 2018 respectively. The petitioner is in jail custody since 10.09.2022 having three criminal antecedent in which he is on bail. The charge-sheet has been filed and there is no chance of absconding or tampering of evidence by the petitioner.

Learned APP appearing for the State has opposed the prayer for regular bail of the petitioner.

Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, 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 court of 19th Additional Session Judge, Rohtas at Sasaram in connection with Sessions Trial Case No. 121 of 2023 arising out of Kargahar P.S. Case No. 168 of 2017 subject to the following conditions:-



(i) 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.

(ii) In case of absence on two consecutive dates without sufficient reason or if the petitioner misuse the liberty or violate any of the conditions imposed upon him his bail bond will be liable to be cancelled by the Court concerned.

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

(Sunil Dutta Mishra, J)

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