

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34875 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- KATIHAR MUFFASIL District- Katihar

Mukesh Tiwari @ Jaiki Son of Shri Prahlad Tiwary Resident of Mohalla -
Sahebpara, Railway Colony, P.S.- Sahayak, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code.

According to prosecution case, the informant's father
was called on at place of occurrence by accused namely Saurav
Thakur where the rest accused persons brutally assaulted him
with sticks and iron rods and later on hitting him with Mahendra
SUV vehicle and killed him.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that in fact, the informant is not an eye witness of the alleged occurrence. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the petitioner and there is no specific allegation of any overt act against the petitioner. He further submits that similarly situated, co-accused persons, namely, Kalu Mishra has been granted bail by a co-ordinate Bench of this Court vide order dated 04.04.2022 passed in Cr. Misc. No. 5030 of 2022, Ramesh Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 07.04.2022 passed in Cr. Misc. No. 6959 of 2022, Dipan Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No. 71289 of 2021, Vikash Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No. 68902 of 2021, Mannu Kumar Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No. 6542 of 2022, Lalan Gupta has been granted bail by a co-ordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No. 65480 of 2021 and the main accused person, namely, Saurav Thakur has been granted



bail by a co-ordinate Bench of this Court vide order dated 16.01.2023 passed in Cr. Misc. No. 28545 of 2022. The petitioner is in custody since 01.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Court below where the case is pending in connection with Katihar Mufassil P.S. Case No. 63 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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