

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37416 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- PANCHRUKHI District- Siwan

Basdev Tiwari @ Vashdev Tiwari Son Of Ram Sewak Tiwari Resident Of
Village - Matak Chapra, Police Station - Pachrukhi Sarai O.P., District –
Siwan.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sessions
Trial No. 73 of 2023 arising out of Pachrukhi (Sarai) P.S. Case
No. 175 of 2022 registered for the offence under Sections 341,
342, 323, 324, 307, 302, 504, 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.08.2022.

The allegation against the petitioner is to commit
murder of brother of informant alongwith other named co-
accused persons by making assault with lathi, rod etc., causing



several bodily injuries, where the reason of occurrence is not appears explained through narration of FIR.

Learned counsel appearing on behalf of the petitioner submitted that the allegation against this petitioner is appearing very much general and omnibus from the narration of FIR, where during the course of investigation, independent eye-witness of the occurrence named other unnamed co-accused persons making fatal assault to the brother of informant, resulting to his death. In support of submission, learned counsel pointed out para 28 of the case diary. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of nature of allegation qua assault which is appearing very much general and omnibus against this petitioner, where the accusation is also appears disputed in view of eye-witness of the occurrence, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 07.08.2022, accordingly, petitioner above named,



is directed to be released on bail in connection with Sessions Trial No. 73 of 2023 arising out of Pachrukhi (Sarai) P.S. Case No. 175 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Siwan/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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