

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38026 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- CHENARI District- Rohtas

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Kedar Tiwari, Son Of Late Hira Tiwari Village Tetari P.S. Chenari District
Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh- Sr. Advocate
		Mr. Bhaskar Shankar- Advocate
For the State	:	Mr. Chandra Bhushan Prasad- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 25-07-2023 1. Heard learned senior counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 302/ 34 of the Indian Penal Code.
3. The learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his father had two wives. From the first wife, one son namely, Manoj Tiwari was born and from the second wife, the informant and Meenal Pandey were born. It is next alleged that after her father's death Manoj Tiwari and other relatives deprived her mother of her share in the property of her father. For which, her mother had filed a Civil Case in Year



2008. It is next alleged that a measurement of the land was to be done on 12.02.2023 and further alleges that on the date of measurement, Dhananjay Tiwari, Manoj Tiwari, Vishal Tiwari and Haridwar Tiwari assaulted her mother with knife on instigation of Kedar Tiwari leading to her death.

4. The learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from perusal of the F.I.R., it would manifest that the date of occurrence is 12.02.2023 and the F.I.R. has been instituted on 14.02.2023. It is next submitted that informant is not an eye witness to the occurrence rather the F.I.R. has been instituted based on information received by her about the occurrence, but then, the F.I.R. does not disclose the how she came to know that who assaulted her mother. It is further submitted that even presuming what has been alleged is true without admitting, then petitioner is alleged to be the instigator based on which the accused persons are alleged to have assaulted her mother with knife.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Rohtas at Sasaram in connection with Chenari P. S. Case No.56 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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