

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37803 of 2023

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

Haridwar Tiwari S/O Late Hira Tiwari R/O Village- Tetari, Ps. Chenari, Dist.
Rohtas Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the Informant		Mr. Rakesh Kumar, Adv.
For the State	:	Mr. Awadhesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 30-11-2023 Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

3. Petitioner along with other accused persons are said to have committed murder of the mother of the informant by means of knife.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the petitioner. He submits that occurrence took place on 12.02.2023 but the FIR has been lodged on 14.02.2023 after delay of 2 days without explaining any reasonable cause of delay. He further submits that similarly situated co-accused has already been granted anticipatory bail by a coordinate Bench of this Court vide order



dated 25.07.2023 passed in Cr. Misc. No. 38026 of 2023. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and learned counsel for the informant opposing the prayer for bail submit that there is specific overt act against the petitioner. It is further submitted that though some of co-accused has been granted anticipatory bail but same is not standing on similar footing.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Chenari P.S. Case No. 56 of 2023.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the fact that some of co-accused has been granted regular bail and petitioner is the senior citizen.

(Anjani Kumar Sharan, J)

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