

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42680 of 2023

Arising Out of PS. Case No.-394 Year-2020 Thana- RIVILGANJ District- Saran

Tinku Miya Son of Sahmud Miya Resident of village - Pachpatra, P.S. -
Revilganj, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Tiwari

For the Opposite Party/s : Mr. Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 08-09-2023 Heard Ld. counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with S. Tr. No
527 of 2021/ Rivilganj P.S. Case No. 394 of 2020, registered for
the offences punishable under Sections 120(B), 302/34 of the
Indian Penal Code.

3. The prosecution case as emerging from the FIR is that
the Petitioner along with his associates took the Informant's son
to Panchpatra River at Chhath Ghat, where they assaulted the
victim with knife causing grievous injuries over his body.
Thereafter, the victim was taken to the hospital where he
succumbed to the injuries.

4. Ld. counsel for the petitioner submits that the petitioner
had moved this Court earlier for regular bail vide Cr.Misc. No.
18867 of 2022, which was rejected directing the Trial Court not



to make unnecessary delay in conclusion of Trial. He further submits that since the trial has not been concluded as yet, the petitioner, vide present application, has renewed his prayer for bail.

5. In support of his petition, he has filed a copy of the order-sheet of the Trial Court, which shows that two witnesses including the Informant has been examined and both of them have not supported the prosecution case.

6. Perused the evidence of P.W. 3, who is Informant of this case. She has not supported the prosecution case.

6. Considering the aforesaid facts and circumstances, particularly the fact that the trial has not yet been concluded, **this application is allowed**, directing the petitioner, above named, to be enlarged on bail on his furnishing bail bond in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court Below/Trial Court in connection with S. Tr. No 527 of 2021/ Rivilganj P.S. Case No. 394 of 2020, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial



will not hamper on account of his absence or non-cooperation.
He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding the previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

7. Ld. Counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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