

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47391 of 2022**

Arising Out of PS. Case No.-215 Year-2019 Thana- PANCHRUKHI District- Siwan

Mohan Tiwari @ Mohan Kumar @ Mohan Son of Late Hareram Tiwari  
Resident of Village - Saidpura, P.s.- Goryakothi, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Krishna Prasad , Senior Advocate

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

6      21-03-2023                      Heard Mr. Krishna Prasad, learned senior counsel for the petitioner, learned counsel appearing on behalf of the informant as well as 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, 307, 324/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, three unknown persons came on bike and fired upon the son of the informant due to which he died. It is further alleged that one of the accused also fired upon the Rajan Giri and all the accused persons fled away.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Shashikant Giri. He further submits that except the confessional statement of the co-accused, no other cogent material has come during investigation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that the co-accused, namely, Shashikant Giri on whose confessional statement the name of the petitioner has been transpired has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.10.2019 passed in Cr. Misc. No. 65054 of 2019 and another co-accused person, namely, Abhimanu Tiwari has been granted bail by a Co-ordinate Bench of this Court vide order dated 23.01.2020 passed in Cr. Misc. No. 4305 of 2020. The petitioner is in custody since 18.06.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submit that it has come during investigation that in paragraph



no. 76 of the case diary the statement of the mother of the deceased was recorded in which she has categorically stated that the petitioner has fired upon the victim.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and 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 Pachrukhi (Saray) P.S. Case No. 215 of 2019, 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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