

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48541 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- SAHPUR District- Bhojpur

INDRAPAL TIWARY @ DABLU TIWARY S/o Paras Tiwary R/o village-
Barisawan, P.S.- Shahpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 302 and 34 of the Indian
Penal Code.

According to prosecution case, there is allegation
against the petitioner that he along with other co-accused
persons have committed murder of the daughter of the
informant.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is the husband of the deceased and there is no
eyewitness of the alleged occurrence and only on the basis of



suspicion, the petitioner has been falsely implicated in the present case. He further submits that in fact the deceased has committed suicide herself and it has come during investigation that the deceased was an unsound mind woman. He further submits that during investigation, the statement of the son of the deceased was recorded in paragraph no.10, in which, he has categorically stated that her mother was an unsound mind lady. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, if not framed, 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 Shahpur P.S. Case No.51/2022, 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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