

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61597 of 2023

Arising Out of PS. Case No.-126 Year-2022 Thana- KOTWA District- East Champaran

Dhananjay Tiwari Son Of Chandramohan Tiwari Resident Of Village -
Banbirwa, P.S. - Kotwa, District - East Champaran Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 26.07.2023 in connection with Kotwa P.S. Case No. 126 of 2022, F.I.R. dated 04.04.2022 for the offences punishable under Sections 341, 323, 324, 354, 307, 379, 504/34 of the Indian Penal Code but the police have submitted the charge sheet under Sections 323, 324, 307, 302, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, all the F.I.R named accused persons including the petitioner in furtherance of common intention have assaulted the informant, her husband and daughter and during the course of treatment, the husband of the informant died.

4. 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 as per the



allegation in the F.I.R, the petitioner and other accused person, namely, Brijesh Tiwari have assaulted the husband of the informant. He further submits that the postmortem report suggest that the deceased had received only one injury on his head. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Brijesh Tiwari @ Brijesh Kumar Tiwari @ Barjesh Tiwari has been granted bail by a co-ordinate Bench of this Court vide order dated 19.04.2023 passed in Cr. Misc. No. 72562 of 2023 and other co-accused persons, namely, Chandramohan Tiwari and Mithilesh Devi @ Mithilesh Devi have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 21.03.2023 passed in Cr. Misc. No. 696 of 2023 although there was no allegation of any assault or overt act against these co-accused persons. The petitioner is in custody since 26.07.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Chief Judicial Magistrate 10th, Motihari, East
Champan in connection with Kotwa P.S. Case No. 126 of
2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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