

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67794 of 2022

Arising Out of PS. Case No.-395 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Bacha Tiwari Son of Late Ram Surat Tiwari Resident of Village- Dughara,
P.S.- Sonhan, District- Kaimur(Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Upadhyaya, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Heard Mr. Ashutosh Kumar Upadhyaya, learned
counsel appearing on behalf of the petitioner and Md. Aslam
Ansari, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Sonhan P.S. Case No. 395 of 2022 registered
for the offence punishable under Section 306 of the Indian Penal
Code.

The prosecution case is based on the written report
of the informant alleging therein that the husband of the
informant allegedly asked his father and uncle, who are the co-
accused in this case, to allot his share in the ancestral property
to which the petitioner and co-accused refused and entered into
an altercation with the husband of the informant and being
annoyed the husband of the informant consumed poison which



resulted into his death.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that on account of trifling altercation, the husband of the informant consumed poison and by no stretch of imagination, any case under Section 306 is made out as there is no allegation of any abetment. He further submits that the petitioner being relative of the deceased, his name has been implicated in this case. However, co-accused person having identical allegation has been allowed the privilege of anticipatory bail by a learned Coordinate Bench of this Court vide order dated 29.09.2022 passed in Cr. Misc. No. 47858 of 2022. He lastly submits that the petitioner having fair antecedent is in custody since 20.08.2022 and, now the investigation of the crime is complete and the charge-sheet has been submitted.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner and other co-accused persons are instrumental in abetment to commit suicide.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that other co-accused persons having similar allegation,



have been allowed the privilege of anticipatory bail, coupled with the period of custody of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Kaimur at Bhabhua in connection with Sonhan P.S. Case No. 395 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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