

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1253 of 2023

Arising Out of PS. Case No.-138 Year-2021 Thana- DINARA District- Rohtas

Bipin Tiwari @ Bipin Bihari Tiwari @ Bipin Bihari Son Of Late Kashi Nath
Tiwari R/O Vill.- Tetrahar, P.S.- Dinara, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
11.05.2022 in connection with Dinara P.S. Case No. 138 of
2021, F.I.R. dated 07.07.2021 registered for the offence
punishable under Sections 341,323,324,325,307,504,506,34 of
IPC.

Allegation against the petitioner is that he assaulted to
the father of the informant with Farsa blow causing injury on his
head.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. In fact the petitioner has initially filed Dinara P.S.Case
No.12 of 2016 against the informant and his family members,



thereafter, the petitioner has falsely been implicated in the present case which is mentioned in the bail petition. Further submits that due to admitted land dispute, the present occurrence had taken place and both the parties are co-sharers of the land in question and it appears from the FIR that there is specific allegation against the petitioner is that he assaulted with Farsa blow on the head of the father of the informant due to which he sustained injury but the injury report of the father of the informant does not support the allegation as alleged in the FIR and the injury report suggests that the injury caused by hard and blunt substance (Annexure-3) and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 11.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits that the petitioner is on bail in all the cases as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 learned 8th Additional Sessions Judge,



Rohtas at Sasaram in connection with Dinara P.S. Case No. 138 of 2021, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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