

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36766 of 2024

Arising Out of PS. Case No.-99 Year-2006 Thana- KUDRA District- Kaimur (Bhabua)

Radhey Shaym Tiwary S/O Late Prabhakar Tiwary R/O Village- Rampur,
P.S.- Sonhan, Dist- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 20-09-2024 Heard learned counsel for the petitioner as well as learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with
S.T. No. 77 of 2014- 446/14, arising out of Kudra P.S. Case No. 99 of
2006 registered for offence punishable under section 395 of the
Indian Penal Code and later on Section 397 of I.P.C has been added.

3. As per allegation, the informant Babita Devi had lodged
an FIR stating therein that her mother-in-law and brother-in-law
(devar), namely Bipin Singh were sleeping on the roof at mid-night
about 1:00 AM on 16-17 September. She awoke and saw five
miscreants equipped with gun. One of the miscreants snatched nose
pin of the informant. When her Devar, Bipin Singh threw stone chips
on the miscreants, they fired shot, which hit at the stomach of Bipin
Singh, Devar of the informant. The informant also saw fourteen-
fifteen miscreants equipped with gun in the courtyard of her house.

4. Learned counsel for the petitioner has submitted that
the FIR was lodged in the year 2006 against unknown persons. The
charge-sheet was submitted against other co-accused persons and the



petitioner was not sent up for the trial. During the course of trial, the deposition of husband of the petitioner was recorded and for the first time, he named the petitioner in his deposition and on the basis of his deposition, the petitioner was summoned to face trial under Section 319 of the Cr.P.C. He further submitted that the deposition of the husband of the informant during trial is contrary to his statement in Paragraph No. 30 of the case diary. In Paragraph No. 30, he has not named the petitioner whereas in his deposition, he named the petitioner for the first time.

5. On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the above-mentioned facts and circumstances, let the petitioner, above-named, in the event of arrest/surrender before the learned court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3, Kaimur at Bhabua, in connection with S.T. No. 77 of 2014 - 446/14, arising out of Kudra P.S. Case No. 99 of 2006, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nawneet Kumar Pandey, J)

priyanka/-

U		T	
---	--	---	--

