

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40818 of 2024

Arising Out of PS. Case No.-82 Year-2009 Thana- JAMHOR District- Aurangabad

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Sheo Chandra Tiwari Son of Ramjee Tiwari R/O Vill.- Kajhwa, P.S.- Jamhore,
Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Jamhore P.S. Case No. 82 of 2009 registered for the

offences under Sections 341, 323, 324, 498-A of the

Indian Penal Code and Section 3/4 of the D.P. Act.

3. The petitioner is named in the F.I.R. and is

in custody since 18.12.2023.

4. The allegation against the petitioner is to

commit cruelty against informant/wife and also to

assault her by using sharp edged weapon alongwith



other co-accused persons/family members, where allegation regarding demand of dowry is also available.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was granted conditional anticipatory bail through Cr. Misc. No. 8987 of 2010 dated 19.04.2010 but as he could not enter into compromise due to non-cooperation of wife/informant, his anticipatory bail was not accepted by learned Trial Court. It is submitted that in fact informant committed cruelty upon petitioner as he was also implicated falsely with murder case of his father-in-law. It is also submitted that though petitioner found involved in five more criminal cases, but same is of year 2011 and 2012, where he is on bail in four cases. It is also pointed out that the allegation to commit cruelty and assault is not appearing specific against this petitioner. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of



tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposed prayer of bail in view of criminal antecedents and submitted that petitioner intentionally not surrendered before the trial court, in view of direction of this Court as passed in Cr. Misc. No. 27520 of 2010 dated 08.09.2010 and for the said reason there was no progress in trial for the last thirteen years.

7. In view of the facts and circumstances as mentioned above as petitioner is in custody since 18.12.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Jamhore P.S. Case No. 82 of 2009 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, Bihar/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-



(1) Accused/Petitioner shall not influence informant in any manner or make any attempt to tamper the evidence or to influence the witnesses during the pendency of trial.

(2) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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