

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58173 of 2024

Arising Out of PS. Case No.-74 Year-2021 Thana- NATWAR District- Rohtas

Mukesh Tiwary Son of Lakshman Tiwari @ Lakshuman Tiwary R/O Village
and Post- Birauwa Kala, P.S.-Natwar, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr.Surendra Kumar Choubey, Adv.
For the Opposite Party/s :		Mr.Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-09-2024 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial No. 31/2022 arising out of Natwar P.S. Case No. 74/2021 dated 27.09.2021 registered for the offences punishable u/ss 304B, 201 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have killed the informant's daughter due to non-fulfillment of demand of motorcycle and golden chain as dowry.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the deceased and he has no concern with the alleged offence. The petitioner neither demand any dowry nor tortured the informant's daughter. Learned counsel has further submitted that in para 13 of the bail petition, out of the five charge-sheeted witnesses, only three witnesses have been examined including the informant(PW-3) and after passing the order dated 19.01.2024 in Cr. Misc. No. 81333/2023, no witness has been examined by the prosecution in the case and the trial has not been concluded uptill now and there is no likelihood of its being concluded in near future. The petitioner has clean antecedent as stated in para 3 of the bail petition. The date of custody mentioned in the impugned order as 05.10.2022 is error of record and the same is 05.10.2021 as stated in para 4 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Rohtas at Sasaram in connection with Session Trial No. 31/ 2022 arising out of Natwar P.S. Case No. 74/2021 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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