

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62509 of 2024

Arising Out of PS. Case No.-283 Year-2021 Thana- DURAULI District- Siwan

Ajay Tiwari S/o Baliram Tiwari @ Balram Tiwari R/o vill - Baba Ka Majhaulia, P.S. - Darauli, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-11-2024 Heard Mr. Chandra Mohan Jha, learned counsel for the petitioner and Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 14.11.2022 in connection with S. Tr. No. 264 of 2023 arising out of Darauli P.S. Case No. 283 of 2021, F.I.R. dated 27.11.2021 for the offences punishable under Sections 302/34 of the Indian Penal Code.

3. Earlier the bail application of the petitioner was rejected vide order dated 24.06.2023 passed in Cr. Misc. No. 8933 of 2023.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the



petitioner is the husband of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. The petitioner is in custody since 14.11.2022.

5. Vide order dated 04.09.2024, a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 20.09.2024 reveals that only two prosecution witnesses have been examined and rest three prosecution witnesses are required to be examined.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody from more than two years.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances as well as report of the learned Trial Court, 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 the learned Additional Sessions Judge-II, Siwan in connection with S. Tr. No. 264 of 2023 arising out of Darauli P.S. Case No. 283 of 2021, subject to the



following conditions:-

- i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. 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.
- iii. 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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