

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64831 of 2024

Arising Out of PS. Case No.-150 Year-2023 Thana- BASANTPUR District- Siwan

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Baijnath Tiwary, son of Late Ramjeet Tiwari @ Ramji Tiwari Resident of
Village- Teliya, P.S. -Basantpur (Lakri Nabiganj, O.P.), District -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
		Mr. Javed Aslam, Advocate
For the Opposite Party/s	:	Mr. Tapeswar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 06-12-2024 Heard learned senior counsel for the petitioner and

learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Basantpur (Lakri Nabiganj OP) P.S. Case No. 150 of 2023, registered for the alleged offence under Sections 341, 323, 307, 302/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner entered into altercation with his family members and started assaulting them. When the husband of the informant, who happened to be the son of the petitioner, intervened, he was assaulted by the petitioner with a *lathi* on his head causing his death.

4. The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has



been falsely implicated in this case. Family feud is apparent from the FIR and it is also apparent that some quarrel has already been taking place. It is also evident from the FIR that there was no motive to kill the husband of the informant and if the written report is taken to be correct, it was an unfortunate and unintentional incident and a father causing death to his son is simply not acceptable. The learned senior counsel further submits the petitioner is himself a person aged about 66 years and it is also not believable that he assaulted 2-3 persons, rather it appears he was trying to save himself. Even the institution of the FIR has been delayed by three days for which there is no explanation. The petitioner is in custody since 25.11.2023 and charge sheet has been submitted against the petitioner. The petitioner is having clean antecedent. The learned senior counsel also submits that the petitioner, in any case, would face trial and if he is convicted, naturally he might suffer incarceration for rest of his life. The trial is still at initial stage and the petitioner undertakes to remain present before the learned trial court on each and every date fixed by it without fail in case he is enlarged on bail.

5. Learned A.P.P. vehemently opposes the submission made on behalf of the petitioner. The learned APP further



submits that there is direct and specific allegation against the petitioner that he hit his son on his head causing his death.

6. Perused the record.

7. A report dated 30.09.2024 has been received from the learned Additional Sessions Judge-X, Siwan wherein he has submitted that on 02.08.2024, charges have been framed against the petitioner and summons have been issued to the prosecution witnesses on 09.08.2024 and bailable warrant has also been issued against the prosecution witnesses on 20.09.2024. However, no witness has been turned up till the date of report. The learned trial court further submitted that likely time for its conclusion is about 9 months.

8. Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the fact that the petitioner is the father of the deceased and further considering his age and the sequence of events and submission of charge sheet and further considering the stage of the trial and no likelihood of its conclusion in near future and also considering the period of custody of the petitioner along with his clean antecedent, he is directed to 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



Additional Sessions Judge-X, Siwan, in connection with Sessions Trial No. 207 of 2024, arising out of Basantpur (Lakri Nabiganj OP) P.S. Case No. 150 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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