

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64464 of 2023

Arising Out of PS. Case No.-159 Year-2021 Thana- HALSI District- Lakhisarai

1. Golu Tiwari @ Bajrangi Kumar S/O Late Nawal Tiwari @ Late Nawal Kishor Tiwari, R/O Village- Bahchha, PS. Halsi, Dist. Lakhisarai.
2. Chunchun Tiwari @ Chunnu Tiwari @ Chunnu Kumar S/O Late Nawal Tiwari @ Late Nawal Kishor Tiwari, R/O Village- Bahchha, PS. Halsi, Dist. Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Arvind Kumar Singh, the learned counsel for the petitioners and Mr. Lalan Kumar, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Halsi PS Case No. 159 of 2021, FIR dated 01.08.2021, registered for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code.

3. According to prosecution case, the daughter of the informant was married to one Shatrughan Tiwari and five children were born out of this wedlock. It is further alleged that the petitioners along with other FIR named accused persons



have murdered the informant's daughter and thrown the dead body near Somo river. It is further alleged that the dead body of informant's daughter was recovered by the police and was sent to *post-mortem*.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case mainly on the ground that petitioners are brothers-in-law of the deceased. He further submits that upon perusal of the FIR, it appears that there is no specific allegation attributed against the petitioners and the co-accused person namely, Sunaina Devi @ Mita Devi, who happens to be the mother-in-law of the deceased has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 03.11.2023, passed in Cr. Misc. No. 64234 of 2023 and the husband of the deceased namely, Shatrughan Tiwari has been acquitted by the learned trial Court vide order/judgment dated 31.05.2023 in Session Trial No. 68 of 2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that the petitioners have clean antecedent and a



similarly situated co-accused person, who is the mother-in-law of the deceased had been granted bail and the fact that the husband of the deceased had also been acquitted by the learned trial Court, let the petitioners, above-named, in the event of their arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Lakhisarai, where the case is pending in connection with **Halsi PS Case No. 159 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii). If the petitioners tamper 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 petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioners. 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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