

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83631 of 2023

Arising Out of PS. Case No.-227 Year-2023 Thana- CHIRAIYA District- East Champaran

Vicky Tiwari, Son of Gauri Shankar Tiwari @ Gaurishankar Tiwari R/o vill -
Dipahi, P.S. - Chiraiya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chiraiya P.S. Case No. 227/2023 lodged on 16.05.2023 under
Section 307 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against the unknown accused person with an allegation
of resorting firing upon the informant, as a result of which the
informant got injured.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is not named in the FIR, rather his name has figured
in this case at the instance of police only due to the reason that
the antecedent of the petitioner is not clean, as he is accused in



16 more criminal cases, but the petitioner is on bail in all the cases. The petitioner is in custody since 17.05.2023 and the chargesheet has already been filed.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sikarhana at Dhaka, East Champaran, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

(i) Ghorasahan P.S. Case No. 324/2018

(ii) Ghorasahan P.S. Case No. 175/2020

(iii) Ghorasahan P.S. Case No. 182/2020

(iv) Ghorasahan P.S. Case No. 397/2020

(v) Ghorasahan P.S. Case No. 439 of 2020

(vi) Ghorasahan P.S. Case No. 264/2023

(vii) Chiraiya P.S. Case No. 278/2020

(viii) Chiraiya P.S. Case No. 283/2020



- (ix) Chiraiya P.S. Case No.294/2020
- (x) Chiraiya P.S. Case No.295/2020
- (xi) Chiraiya P.S. Case No.300/2020
- (xii) Chiraiya P.S. Case No.303/2020
- (xiii) Dhaka P.S. Case No. 227/2023
- (xiv) Chiraiya P.S. Case No.228/2023
- (xv) NDPS Case No. 60/2020
- (xvi) Dhaka P.S. Case No. 247 of 2023

(Dr. Anshuman, J)

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