

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84473 of 2023

Arising Out of PS. Case No.-109 Year-2021 Thana- KARAKAT District- Rohtas

Sanoj Tiwari @ Sanoj Kumar Tiwari S/o Lalbabu Tiwari @ Srilal Tiwari
Resident of Village - Dhodhandih, P.S.- Kachhwa, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar Singh, Advocate
For the informant	:	Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 12-01-2024 1. Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Karakat P.S. Case No. 109 of 2021 dated 09.07.2021 registered for the offence(s) punishable under Section(s) 341, 323, 307, 504, 302,120B/34 of the Indian Penal Code and 27 of Arms Act.
3. The main submissions advanced by learned counsel for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 58258 of 2022 for the relief of regular bail which was rejected by this court vide order dated 22.03.2023 and he has been languishing in jail since 19.06.2022 and his trial has started but only 4 prosecution witnesses have been examined despite the charges having been framed upon him on 15.05.2023 and he



has again come before this court for the relief of regular bail in the light of the liberty given to him in the earlier rejection order. Further submissions are that in the present matter, the informant is said to be the most important witness of the prosecution as he claimed to be in the company of the deceased when the alleged occurrence took place but he made contradictory statements to the facts stated by him in the FIR and other two prosecution witnesses PW.1 namely, Rajeev Ranjan Tiwar and PW.2 namely, Priyaranjan Tiwari are also stated to be eye-witnesses of the alleged occurrence and their deposition's copy have been filed with this petition as Annexure-3 series and the facts deposed by them clearly go to show that they were not actual eye-witnesses as they stated that they reached at the place of occurrence just after the commission of the alleged occurrence and the petitioner is a government teacher and he is ready to file his undertaking to appear in person on each and every date before the trial court during trial, if he is released on bail.

4. On the contrary, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submitted that in the present matter, the petitioner is alleged to be the main assailant and two co-accused persons who also fired at the deceased are absconding and after the



framing of charge on each and every date the prosecution witness is being produced so it cannot be said that no significant progress has been made in the trial of the petitioner.

5. Considering the above submissions and mainly taking into account the seriousness of the allegation appearing against this petitioner and in the light of the submission made by informant's counsel it cannot be said that in the trial of the petitioner no significant progress has been made. Accordingly, this court is not inclined to accept the petitioner's second prayer and his bail payer stands rejected.

6. The trial court is directed to conclude the petitioner's trial in the next one year from the date of this order, if the petitioner's trial is not concluded in the said period then the petitioner may again renew his bail prayer.

(Shailendra Singh, J)

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