

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21858 of 2025

Arising Out of PS. Case No.-302 Year-2022 Thana- BASANTPUR District- Siwan

1. Prabhu Tiwari S/o Late Baidahi Tiwari R/o Village- Jagatpur, Tiwari Tola, PS- Naviganj, District- Siwan
2. Harendra Tiwari S/o Umashankar Tiwari R/o vill - Jagatpur, Tiwari Tola, P.S.- Naviganj O.P., Basantpur, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rakesh Kumar Sharma, Adv.
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 09-05-2025 Heard Mr. Ramakant Sharma, learned senior counsel for the petitioners and Mr. Ganesh Prasad Singh, learned APP for the State.

2. At the outset, it is submitted by the learned senior counsel for the petitioners that the petitioners were granted provisional bail for a period of 20 days by order dated 11.04.2025 and in compliance with the direction of this court, both have surrendered and filed their surrender certificate issued by the trial court (Annexure-P/5).

3. Petitioners seek regular bail in connection with Basantpur P.S. Case No. 302/ 2022 dated 29.06.2022 registered for the offence(s) punishable under Section(s) 341, 323, 324, 307, 302 and 120(B) of the IPC.

4. The main submissions advanced by the learned senior counsel appearing for the petitioners are that this is second attempt of the petitioners to get the relief of bail and



their first prayer was rejected by this court vide order dated 02.08.2024 passed in Cr. Misc. No. 24206 of 2024 with Cr. Misc. No. 20283 of 2024 and the same was rejected mainly considering the stage of their case at that time and now, the petitioners have renewed their prayer mainly on the ground of their long incarceration period in jail which has been about one year and five months and secondly, on the ground of no progress in their trial. It is further submitted that there is no serious allegation against the petitioner no.1 and if the prosecution's story is believed to be true then it appears that the informant, who claimed himself to be an eye witness of the occurrence, has simply alleged that petitioner No.1 and co-accused, Rohit Tiwari caught hold of the deceased and the petitioner No.2 is alleged to have inflicted a tangi blow at the neck of the deceased but no corresponding injury was found on the neck of the deceased and in this regard, post mortem report of the deceased may be perused. It is lastly submitted that trial of the petitioners has started and out of seven chargesheet witnesses only one witness has been examined partly and his cross-examination is pending which shows that there may be some delay in conclusion of the trial of the petitioners.

5. Learned APP for the state has opposed the bail prayer of the petitioners.

6. Heard both the sides and perused the relevant materials including the status report of the petitioners' trial sent by the trial court. Considering the present custody period of petitioner No.1, which has been about one year and five months, as well as nature of allegation appearing against him and also taking into account the stage of his trial, this court is now inclined to release the petitioner No.1, Prabhu Tiwari on bail.



Accordingly, let the petitioner No.1 named-above be released on bail in connection with Basantpur P.S. Case No. 302/ 2022 on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

7. But considering the seriousness of the allegation appearing against the petitioner No.2, Harendra Tiwari, this court is not inclined to release him on bail at this stage. Accordingly, his prayer stands rejected for the present.

(Shailendra Singh, J)

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