

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69239 of 2025

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

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Harendra Tiwari, S/O Umashankar Tiwari, R/O Vill.- Jagatpur, Tiwari Tola,
P.S. -Naviganj O.P., Basantpur, Dist.- Siwan Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 07-11-2025 Heard Mr. Ramakant Sharma, learned senior counsel

for the petitioner and Mr. Kumar Veerendra Narayan, learned

APP for the State.

2. Petitioner seeks regular bail in connection with
Basantpur P.S. Case No. 302 of 2022 dated 29.06.2022 registered
for the offences punishable under sections 341, 323, 324, 307,
302 and 120B of the Indian Penal Code.

3. The main submissions advanced by learned senior
counsel appearing for the petitioner are that this is the third
attempt of the petitioner to get the relief of bail and while
rejecting the previous (second) attempt of the petitioner, this
Court was not inclined to release him on bail considering the
stage of his case at that time, though by that order the prayer of
the co-accused namely Prabhu Tiwari was allowed considering
his custody period and now, the petitioner has renewed his prayer
mainly on two grounds, first his long custody period which has



been about 1 year and 11 months and second, no progress in his trial. It is further submitted that before the rejection of previous (second) bail prayer of the petitioner, only one prosecution witness had turned up before the trial court, who was examined on two dates i.e. 25.03.2025 & 22.04.2025 and thereafter, more than five months period has passed but no other prosecution witness has turned up, which shows the lingering attitude of the prosecution in producing and examining the prosecution witnesses in the trial of the petitioner. It is lastly submitted that though against this petitioner, there is criminal antecedent of one case but he is on bail in that case and as per the prosecution story, the petitioner allegedly inflicted only one blow by means of *tangi* on the deceased but there is no allegation of repeated blows by him and several cases are running in between both the parties.

4. Learned APP for the State has opposed the prayer of the petitioner.

5. In the facts and circumstances of this case and mainly considering the petitioner's present custody period which has been about 1 year and 11 months and also, lingering attitude of the prosecution in producing and examining the prosecution witnesses, as stated above, which also gets reflected from the trial court's report, as out of eight chargesheet witnesses, only one witness has been examined so far despite the charges having



been framed on petitioner on 12.09.2024, in my opinion, in the said circumstances, the petitioner now deserves to the relief of bail. Accordingly, let the petitioner named-above be released on bail 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 in connection with Basantpur P.S. Case No. 302 of 2022, on the following conditions :-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court. He shall remain physically present as directed by the trial court and in case of his absence on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the trial court.

(ii) If the petitioner tamper with the evidence or influence the witnesses, then the prosecution shall be at liberty to move for cancellation of bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn in an affidavit in the present miscellaneous petition.

(Shailendra Singh, J)

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