

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37871 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -SHEOHAR District- SHEOHAR

=====

Kaushal Kishore Tiwari S/o Paras Nath Tiwari resident of Babhan Toli,
Ward No. 1, P.S. Sheohar, District - Sheohar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-11-2015

Heard both sides.

The petitioner apprehends his arrest in a case under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that Sone Lal Sah took his son Vikki Kumar and when his son did not return, he went in search of his son and saw in the light of a Cell that Brajesh Singh and Kaushal Kishore Tiwari (the petitioner) made indiscriminate firing on his son and Sone Lal and Dhodhai Sah were exhorting them to kill his son.

Sri Krishna Prasad Singh, learned Senior Counsel for the petitioner, submits that Vandana Kumari, the widow of the deceased, stated that there was a storm and her father-in-law had gone outside in search of her husband. She heard that Kaushal



Tiwari and Brajesh Singh killed her husband. It is further submitted that from Para 30 of the case diary, it would appear that Ram Eqbal Rai, uncle of the deceased, claimed himself to be an eye-witness of the occurrence and disclosed that when the accused persons killed Vikki Kumar, he along with other persons came and took Vikki Kumar to hospital. He disclosed that the informant Krishnadeo Prasad also came later on. The call details report of the mobile of the petitioner showed that the petitioner was in and around Ahiyapur area situated in the district of Muzaffarpur which is far away from the place of occurrence.

On the other hand, learned counsel for the informant as well as learned A.P.P. has vehemently opposed the prayer for anticipatory bail.

The father of the deceased has stated that while he was going in search of his son, he heard sound of firing and he saw in the light of a Cell that Kaushal Kumar Tiwari and Brajesh Kumar made indiscriminate firing on his son and Sone Lal Sah and Dhodhai Sah were exhorting them to kill the son of the informant. Ram Eqbal Rai, the uncle of the deceased, also disclosed that he saw the petitioner and Brajesh Kumar making indiscriminate firing causing the death of Vikki Kumar.

Considering the facts aforesaid, I am not inclined to

enlarge the petitioner on anticipatory bail in Sheohar P.S. Case
No. 91/2015. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--

