

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43708 of 2015

Arising Out of PS.Case No. -230 Year- 2015 Thana -DUMRAUN District- BUXAR

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1. Vishal Tiwari @ Gokul Bhushan Tiwari son of Chandra Bhushan Tiwari
, Resident of village- Pandey Patti, P.S.- Buxar (M), District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

For the Opposite Party/s Mr. Pramod Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 22.09.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

3kgs 400 grams ganja, several mobile sets, firearms and
motorcycle were recovered from the possession of the petitioner on
22.7.2015 and thereafter, present case was registered on the same day
i.e. 22.7.2015 and thereafter, FIR was sent to Special Judge, Buxar
which reached to the concerned court on 23.7.2015.

The contention on behalf of the petitioner is that petitioner
was picked up from his house by the police on 19.7.2015 and father of
the petitioner filed petition before the Chief Judicial Magistrate, Buxar
on 21.7.2015 giving the aforesaid information and on the basis of the
aforesaid petition, learned Chief Judicial Magistrate called for a report
from the officer-in-charge of Buxar Town police station. It is further
contended on behalf of the petitioner that, as a matter of fact, brother
of the petitioner had filed complaint case bearing Complaint case no.

267C/2013 against police officials including the then Dy. S.P, Buxar. In the aforesaid case, concerned court, having found prima facie case against the police officials, ordered for issuance of summons against police officials vide order dated 5.8.2014 and the aforesaid order of the court caused annoyance to the police officials resulting false implication of the petitioner in the present case as well as several other cases. It is further contended by him that when father of the petitioner had filed petition before the Chief Judicial Magistrate on 21.7.2015, police officials manipulated present FIR which is evident from perusal of formal FIR as 22.7.2015 has been made after cutting date 21.7.2015.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of learned District Judge-cum- Special Judge, Buxar in Dumraon P.S. Case no. 230/2015.

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(Hemant Kumar Srivastava,J)

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