

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30756 of 2015

Arising Out of PS.Case No. -125 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

1. Anshuman Tiwary Son of Binod Tiwary resident of village - Chawahi Khas, P.S. Majhagarh, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.49252 of 2015

Arising Out of PS.Case No. -125 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

1. Milan Singh Son of Sunil Singh, Resident of Village - Kollhwa Shree Rampur, Police Station - Manjhagarh, District - Gopalganj.

... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.30756 of 2015)

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Smt.Sucheta Yadav(App)

(In Cr.Misc. No.49252 of 2015)

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 04-11-2015 Above noted both applications have arisen out of one occurrence i.e. Gopalganj Town P.S. Case No. 125 of 2015 registered for the offences punishable under Sections 323, 324, 302, 379/34, 448 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, six motorcycle borne miscreants riding on two motorcycle came and four miscreants entered into the shop of



the informant and demanded a shirt and thereafter the petitioner Milan Singh became angry when the price was demanded and when Sunny Kumar @ Golu demanded the price then Milan Singh after pressing his mouth gave knife blow in his stomach and when Satish came for rescue, he was also assaulted by knife blow and the amount was snatched away but due to alarm being raised, six miscreants started fleeing away but one was caught. During course of treatment Sunny died, thereafter, Ranjan Singh came and caused threats not to lodge case otherwise to kill them and opened fire.

Submission is of false implication and that the petitioner Anshuman Tiwary was not named in the FIR, he has not been put on test identification parade and only it has come that the motorcycle which was found at the place of occurrence belongs to the petitioner Anshuman Tiwary vide paragraph 41 of the case diary but no paper regarding the same has been brought on the record and only on the basis of oral statement it has been gathered that the motorcycle was of the petitioner Anshuman Tiwary and besides that there is no tangible evidence. On behalf of Milan Singh submission is that the petitioner Milan Singh was found lying injured on the road and for that Gopalganj P.S. Case No. 126 of 2015 was registered and he was treated in Sadar Hospital,

Gopalganj and after treatment he has been remanded in this case. There is no explanation in this case as to how the petitioner Milan Singh received injury.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioner Milan Singh is the assailant and it has come that when he was trying to flee away after committing the crime, unknown persons assaulted him and he received injury and further the motorcycle of the petitioner Anshuman Tiwary was found at the place of occurrence.

In the facts and circumstances stated above, considering that the petitioner Milan Singh is the assailant, this Court is not inclined to enlarge the petitioner Milan Singh in Cr. Misc. No. 49252 of 2015 on bail, accordingly, his such prayer stands rejected.

So far as petitioner Anshuman Tiwary of Cr. Misc. No. 30756 of 2015 is concerned, against him there is no tangible evidence, as such, he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 125 of 2015, subject to the

conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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