

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9877 of 2016

Arising Out of PS.Case No. -318 Year- 2015 Thana -MOTIHARI MUFASIL
District- EAST CHAMPARAN(MOTIHARI)

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Dipak Tiwari, Son of Late Lalbachan Tiwari, resident of Village Ashok
Pakadi Police Station- Pipara, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Subash Chandra Mishra (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 10-05-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Motihari (Muffasil) P.S. Case No.318 of 2015 for allegedly
having committed the offence under Sections 302, 120B/34 of
the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R., but subsequently during the
course of investigation, the accusation turned around and it
came to be that the informant himself was responsible for the
murder of his father. It is further submitted that the petitioner is
the brother-in-law (*Sala*) of the said informant, who is said to
have hatched a conspiracy to kill his father. Learned counsel for
the petitioner further submits that all through in the case diary,

there is no indication or an iota of evidence indicating the involvement of the present petitioner. Save and except the suspicion and on account of the fact that the petitioner happens to be the brother-in-law of the informant, that the petitioner's name has been brought in connection with the present case.

Learned counsel for the State after perusal of the case diary does not dispute the said submissions.

In view of the aforementioned facts and circumstances and that the petitioner has no criminal antecedents, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Motihari (Muffasil) P.S. Case No.318 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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