

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.38274 of 2016**

Arising Out of PS.Case No. -86 Year- 2016 Thana -VIDYAPATINAGAR District- SAMASTIPUR

Rabindra Tiwari @ Rabindra Prasad Tiwary, Son of late Yadunandan Tiwari @ Jagnandan Tiwari, Resident of Village- Wazidpur, P.S. Vidyapati Nagar, District Samastipur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party : Mr. Sri Sadanand Paswan (APP)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3      28-10-2016

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Vidyapati Nagar P.S Case No. 86 of 2016 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act, and section 3(i)(x) S.C./S.T. (Prevention of Atrocities) Act.

Allegedly, the petitioner damaged the crop from the land which was grown by the deceased and his family members and due to that the petitioner shot dead the deceased.

Submission is of false implication and that there is no eye-witness of the occurrence, F.I.R. has been lodged only on suspicion, no witness is of actual killing, during investigation also some of the witnesses have stated that the petitioner was implicated only on suspicion due to land dispute. The petitioner is a retired

Office Superintendent of Civil Court, Samastipur. The petitioner is in custody since 26.07.2016 having no criminal antecedent, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner is named in the F.I.R.

In the facts and circumstances stated above, considering that there is no eye-witness of the occurrence and further charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge S.C./S.T. Act, Samastipur. in connection with Vidyapati-Nagar P.S. Case No. 86 of 2016, 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.)**

Rajiv/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|