

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7121 of 2016

Arising Out of PS.Case No. -19 Year- 2004 Thana -DAWATH District- SASARAM (ROHTAS)

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Pappu Tiwari @ Sunil Tiwari, son of Ram Dular Tiwari @ Dular Tiwari,
resident of village-Jogni, Police Station-Dawath, District- Rohtas at
Sasaram

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Chakrapani, Adv.
Mr.Ambuj Nayan Choubey, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 12-04-2016 Heard Sri Chakrapani, learned counsel, who was
assisted by Sri Ambuj Nayan Choubey, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The petitioner, who is in custody in
Dawath P.S. Case No.19 of 2004 corresponding to Sessions Trial
No.145 of 2013, registered for the offence under Sections
147,148,149, 332, 333, 353, 307 and 427 of the Indian Penal
Code, Section 27 of the Arms Act, Sections 3, 4 and 5 of the
Explosive Substance Act and Section 17 of C.L.Act, has prayed
for grant of bail.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. By way
of referring to F.I.R. he submits that fardbeyan of the informant



was recorded in a private Nursing Home, whereas it was alleged that while the informant, who is a Police Officer, along with other constables were moving on patrolling duty on a Commander Jeep, they became victim of Land Mine and received injury. In the F.I.R. itself, it has been alleged that while indiscriminate firing was going on, a tractor appeared and in the light of the tractor, accused persons including the petitioner were identified. Learned counsel for the petitioner tried to persuade the Court that the case has falsely been instituted. He also submits that no incriminating materials were recovered from the place of occurrence. In this case, earlier the case diary as well as report regarding stage of the case was called for, which has been received. The report regarding stage of the case is kept at Flag-A, which discloses that the trial has already commenced and at least one witness has been examined.

On perusal of the case diary, it appears that place of occurrence was examined, where the damaged vehicle was also found besides other materials. Apart from the fact disclosed in the case diary, the petitioner, as per statement made in paragraph-3 of the petition, is having criminal antecedents and he is accused at least in five cases.

Keeping in view the fact that the trial has already

commenced as well as seriousness of the accusation, I am not inclined to grant bail to the petitioner.

The petition stands dismissed.

(Rakesh Kumar, J)

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