

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9898 of 2016

Arising Out of PS.Case No. -173 Year- 2015 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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Madan Tiwary @ Madan Mohan Tiwary @ Madan Tiary, son of late
Raghunath Tiwary, resident of Village Amaon, P.S. Chainpur, District
Kaimur at Bhabua

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-04-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Chainpur P.S. Case No. 173/15 for offences alleged under

Sections 160, 307 of the Indian Penal Code.

The prosecution case, as lodged by the informant,

is that after hearing the firing sound he proceeded to the house of

Kripa Shankar Tiwary and saw him and the petitioner firing with

their fire-arms. It is alleged that fire-arm of Kripa Shankar Tiwary

was without licence and that the petitioner had a licenced fire-arm

which was used to create panic amongst general public.

It has been submitted by the learned counsel for

the petitioner that he has falsely been implicated in the aforesaid

case, has no criminal antecedent and co-accused Kripa Shankar

Tiwary, who is a notorious criminal, had opened fire and escaped and petitioner has falsely been implicated. It has further been submitted that no case under Section 307 I.P.C. is made out against this petitioner. Furthermore, counsel for the petitioner submits that the occurrence was because of indiscriminate firing by two rival fractions, who were in dispute with regard to PACS election and the allegation against the petitioner is general and omnibus.

However, learned APP for the State submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua, in connection with Chainpur P.S. Case No. 173/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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