

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55555 of 2015

Arising Out of PS.Case No. -190 Year- 2015 Thana -ITADHI District- BUXAR

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Vikash Tiwari @ Gita Bhushan Tiwari, Son of Late Chandra Bhushan
Tiwari, Resident of village- Pandey Patti, P.S.- Buxar (M), District- Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy, Advocate

For the Opposite Party/s : Mr. Dr.Kr.Uday Pratap(App)

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

3 10-02-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 147, 148, 149, 341, 324, 307, 427 and
120(B) of the Indian Penal Code and 27 of the Arms Act.

Allegedly, the informant, Rakesh Pandey and two
others were going in Scorpio vehicle which was being driven by
Kanhaiya Tiwary and as soon as they reached near village
Khekhsi at Buxar Pakki Road, five motorcycle borne criminals
including the petitioner being armed over took the vehicle of the
informant and with intention to kill opened fire with pistol and the
petitioner opened fire on Gautam Mishra causing injury in his
right side of rib and he became senseless.

Submission is of false implication and that without any injury report, charge sheet has been submitted, victim has been examined and he has stated the name of the petitioner also including two others, but there is no specific allegation against the petitioner and, as such, the petitioner, who is suffering in custody since 29.9.2015, deserves sympathetic consideration.

Learned A.P.P. opposes the prayer for bail by submitting that the petitioner has caused fire arm injury on the vital part of injured Gautam Mishra..

In the facts and circumstances stated above, considering the allegation attributed against the petitioner at this stage, this Court is not inclined to enlarge the petitioner on bail and, accordingly, his such prayer stands rejected in connection with Itarhi P.S. Case No.190 of 2015 pending in the court of Chief Judicial Magistrate, Buxar.

(Jitendra Mohan Sharma, J)

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