

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33653 of 2017

Arising Out of PS.Case No. -122 Year- 2015 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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Bishwajeet Kumar @ Bittu Tiwari Son of Ram Pravesh Tiwari, R/o
Village/Mohalla- Brahm Asthan Chauk, Ward no. 4, Shivhar, P.S.- Shivhar,
District- Shivhar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Nilesh Kumar, Adv.

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 18-09-2017 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
08.06.2016 in connection with Sessions Trial No. 272/17 arising
out of Chiraiya P.S. Case No. 122/15, for the offences punishable
under Sections 307 and 34 of the Indian Penal Code and section
27 of the Arms Act. Later on, section 302 of the Indian Penal
Code was added.

The prosecution case as lodged by the informant is that
while he was sitting at his door eating Prasad, two named accused
along with three un-named accused opened fire which hit him and
the accused managed to flee away on a motorcycle.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. His name



surfaced on his own confessional statement before the police in another case bearing Sitamarhi P.S. Case No. 184/2014 which has no evidentiary value in the eyes of law. He submits that there were five persons, two named in the F.I.R. and general and omnibus allegation has been levelled by the informant and there is only one gun-shot injury on the deceased. He further submits that charge-sheet has been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. The named accused has been granted the privilege of bail by a coordinate bench of this court in Cr. Misc. No. 10507/2017 on 11.04.2017 and other accused have also been enlarged on bail by this court.

However, the learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and materials on record, let the petitioner named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 14th, Motihari, East Champaran in connection with Sessions Trial No. 272/17 arising out of Chiraiya P.S. Case No. 122/15, subject to the condition that one of the bailors would be a close relative of the petitioner.

(Nilu Agrawal, J)

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