

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36463 of 2017

Arising Out of PS.Case No. -105 Year- 2017 Thana -BRAHAMPUR District- BUXAR

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1. Srikant Tiwary,
2. Sriman Tiwary @ Sirman Tiwary Both Sons of Gupteshwar Tiwary, R/o
at-Barki Nainijor, P.S.- Brahmpur, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritesh Kumar

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-08-2017 Heard learned counsel for the petitioners, learned

counsel for the informant and learned APP for the State.

Petitioners are languishing in judicial custody since
28.04.2017 in connection with Brahampur (Nainijor) P.S. Case No.
105 of 2017 for offences punishable under Sections 147, 148,
149, 341, 325, 338, 307, 302/120(b) of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, Nitish Tiwari resorted firing
three times on the brother of the informant, while Manoj Tiwari
@ Manoranjan Tiwari fired once and Golu Tiwari fired thrice upon
the informant's brother resultantly, his brother sustained 5-6



bullet injuries and succumbed. It is alleged that petitioners have instigated the other accused persons.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in this case. No overt act is alleged to have been committed against the petitioners and allegations are general and omnibus. He submits that two of the similarly situated co-accused have been granted privilege of bail by co-ordinate Bench of this Court in Cri. Misc. No. 37403 of 2017 on 08.08.2017 and Cri. Misc. No. 39509 of 2017 on 21.08.2017.

However, learned counsel for the informant as well as learned APP for the State vehemently opposes the prayer for bail stating therein that it was a broad day-light murder of the informant's brother and the petitioners have instigated the co-accused to fire on the deceased.

Considering the facts and circumstances and the materials on record, since similarly situated co-accused have been granted the privilege of bail, let the petitioners, above named, be also enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Brahampur (Nainijor) P.S. Case No. 105 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioners and that petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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