

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8022 of 2017

Arising Out of PS.Case No. -297 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. MANJESH TIWARY @ MANJESH KUMAR TIWARY, Son of Deo
Sharan Tiwary, Resident of Village- Bhandar, P.S. Dhaka (Pachpakri),
District East Champaran. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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

2 03-03-2017 Heard learned counsel for the petitioner, and the

learned counsel representing the State.

The petitioner apprehends his arrest in connection
with Dhaka (Pachpakri) P.S Case No. 297 of 2016, G.R. No. 1010
of 2016 registered for the offences punishable under Sections
25(1-b)a-26 and 35 of the Arms Act.

Allegedly, Manish Kumar Dubey was caught with
country made pistol and he stated that the same was given by
Shatrughan Paswan and there the petitioner was also present.

Submission is of false implication and that nothing
has been recovered from possession of the petitioner, only on the
basis of suspicion the petitioner has been made accused in this
case. Petitioner has been appointed as S.P.O. at Pachpakari O.P. by
Superintendent of Police, East Champaran and he has performed
his duty very well resulting he was awarded by the S.P., East



Champan vide memo no. 11610/C.V.R dated 27.5.2016 which causes annoyance to the informant and the petitioner has been implicated in this case. The petitioner ought to have been made witness in this case but he has been made accused in this case. The petitioner has got no concern with Manish Dubey and Shatrughan Paswan and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. fairly submits that the petitioner was only present when Shatrughan Paswan handed over the pistol to Manish Dubey.

In the facts and circumstances stated above, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of the order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikarhana at East Champaran in connection with Dhaka (Panchpakri) P.S. Case No. 297 of 2016, G.R. No. 1010/16 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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