

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.24083 of 2017**

Arising Out of PS.Case No. -28 Year- 2010 Thana -PAHARPUR District-  
EASTCHAMPARAN(MOTIHARI)

=====

Gorakh Tiwari, Son of Shri Dayanand Tiwari, Resident of Village-  
Kamalua Khajuriya, P.S.- Malahi, District- East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Binay Kant Mani Tripathi, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR**  
**MISHRA**  
ORAL ORDER

3      06-09-2017                      Heard learned counsel for the petitioner and the learned  
A.P.P. for the State.

The petitioner apprehends his arrest in connection with  
Paharpur P.S. Case No. 28 of 2010 for offence under Section  
302/34 of the Indian Penal Code.

At the instance of village *Chaukidar*, FIR has been  
registered against some unknown persons in which he stated that  
on 17.02.2010 at about 12.15 p.m., two persons came on a Bullet  
Motorcycle near the house of one Bhukhal Mahto, in the  
meantime, two persons came on a splendor Plus Motorcycle and  
three persons also came on a Hero Honda C.D. Deluxe  
Motorcycle, which were without registration numbers. They all



were armed with fire arms and near the house of Mukesh Prasad they began firing upon the Bullet Motorcycle riders on account of which the Bullet Motorcycle riders also fired on them and tried to fled away but the riders of Hero Honda Motorcycle also fired at the Bullet Motorcycle riders as a result of which both the Bullet Motorcycle riders were died. Thereafter, the miscreants looted the arms of deceased persons and fled away from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the FIR, he has been implicated in this case on the basis of confessional statement of one co-accused Rinku Shukla. Vijay Pandey, father of one deceased Mukesh Pandey in his statement as detailed in paragraph 39 stated that when he along with his brother was going to place of occurrence on hearing about occurrence then he saw in way on one motorcycle to Manoj Mishra, Umesh Tiwari and Basi Mian and on other motorcycle Raju Tiwari, Ratan Tiwari and the petitioner. Similarly situated co-accused Umesh Tiwari has already been allowed anticipatory bail by this Hon'ble Court in Cr. Misc. Case No. 10933 of 2011 on 22.02.2012.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the



event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Paharpur P.S. Case No. 28 of 2010 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

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