

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13158 of 2017

Arising Out of PS.Case No. -82 Year- 2016 Thana -GUTHNI District- SIWAN

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Brij Tiwari @ Umesh Tiwari, Son of Jagarnath Tiwari, Resident of
Village- Kharkaria, P.S.- Guthani, District- Siwan. Petitioner
Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rana Vikram Singh, Advocate

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

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

ORAL ORDER

3 17-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Guthani
P.S. Case No. 82 of 2016 registered for the offences punishable
under Sections 307, 353, 35 of the Indian Penal Code.

Allegedly, in the house of the petitioner veteran
criminal Tribhuwan Tiwari was staying and on this information
the Police raided the house of the petitioner then the miscreants
opened firing upon the Police party to which the Police also
resorted to firing and thereafter, on hectic efforts five miscreants
were apprehended including that Tribhuwan Tiwari and the
petitioner succeeded in fleeing away. From possession of
Tribhuwan Tiwari A.K. 47 rifle loaded with ten round live
cartridges were recovered and from possession of Lucky Tiwari
loaded pistol was recovered. The apprehended accused persons



disclosed that the petitioner succeeded in fleeing away.

Submission is of false implication and that the petitioner was not apprehended at the spot. Nothing has been recovered from his possession and without any fault he is suffering in custody since 26.10.2016 after his surrender. In the Arms Act case the petitioner has been allowed bail and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that from the house of the petitioner firing was made on Police party.

In the facts and circumstances as stated above, considering that the petitioner was not apprehended at the spot, he has voluntarily surrendered and, as such, the petitioner above named is directed to be released on bail on execution of 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, Siwan in connection with Guthani P.S. Case No. 82 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason



shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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