

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2506 of 2019

Arising Out of PS. Case No.-774 Year-2018 Thana- KATIHAR District- Katihar

Mukesh Tewari @ Jacky Tiwari @ Mukesh Kumar Tiwari @ Jacky, Son of Sri Prahlad Tiwari, Resident of Emergency Colony Kalhar, P.S.- Sahayak Katihar, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr. Anuj Kumar Srivastava (App 79)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-01-2019 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 11.10.2018 in a case registered for the offences punishable under Sections 302 and 307/34 of the IPC.

The prosecution case, as per the written report of Vinay Pratap Singh, dated 10.10.2018 submitted to the Station House Officer, Nagar Sahayak Katihar Police Station, is to the effect that on 09.10.2018, at 8.30 P.M., while the informant was going to G.R.P., Chawk, near the Sitla Temple, he saw that his brother, Vivekanand Singh is being assaulted by the petitioner, Mukesh Tiwary and 2-3 unknown persons with knife. Subsequently, the brother of the informant was admitted in the hospital, where he succumbed to the injuries.



It is submitted by learned counsel for the petitioner that the FIR does not suggest any motive for the alleged offence. For the occurrence of 09.10.2018, at 8.30 P.M., the FIR was registered on 10.10.2018, at 10.20 A.M. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is the main assailant of the victim.

Considering the fact that as per the FIR, the petitioner is the main assailant of the victim and from the impugned order, it appears that the accusation is being corroborated by the medical opinion, this Court is not inclined to grant regular bail to the petitioner for the present.

Accordingly, the prayer for regular bail of the petitioner is rejected in connection with Nagar Sahayak Katihar P.S. Case No. 774 of 2018, pending in the court of learned CJM, Katihar.

However, the petitioner may renew his prayer for bail after examination of the informant.

(Dinesh Kumar Singh, J)

Amrendra/-

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