

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19088 of 2019

Arising Out of PS. Case No.-506 Year-2018 Thana- MAJHAULIA District- West Champaran

CHATURBHUI TIWARI @AKHILESH TIWARI, Son of late Chuman
Tiwari, Resident of Village - Harpur, P.S.- Majhauria, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-04-2019 Heard learned counsel for the petitioner, informant
and learned APP for the State.

The petitioner is languishing in custody since
05.12.2018 in a case registered for the offences punishable
under Sections 341, 323, 307 and 507/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case as per the written report of
Vijay Mani Shukla submitted to SHO, Majhauria Police
Station is to the effect that on 12.11.2018 at 2.00 P.M., the
informant was sitting near his door along with his two sons,
Ajit Mani Shukla and Dilkush Shukla, in the meantime, all



five FIR named accused persons including the petitioner, came variously armed and started abusing the informant and his sons. On protest being made, the accused persons assaulted the informant and his sons and thereafter, co-accused Shyam Tiwari and Kishan Tiwari brought fire arm from their house and co-accused Kishan Tiwari resorted to fire upon the informant and his sons. The co-accused Shyam Tiwari again resorted to fire upon the sons and grandson of the informant, causing fire arm injury to them. It is further alleged that the motive behind the alleged occurrence was land dispute between the parties.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner and specific accusation of causing fire arm injury is against the co-accused, Shyam Tiwari which caused firearm injuries to the informant's side. It is further submitted that petitioners' side earlier lodged a case being, Majhulia P.S. Case No.512 of 2018 against the informant's side. Moreover, 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, but a supplementary affidavit has been filed on



behalf of petitioner, which reflects that apart from the present case, the petitioner is also accused in two other cases and in one of those cases, final form has been submitted.

Learned counsel for the informant submits that the petitioner had common intention and he is named in the FIR.

Considering the fact that specific accusation of causing fire arm injury is against co-accused, Shyam Tiwari and the fact that investigation has already been concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned **CJM, Bettiah, West Champaran** in connection with **Majhualia P.S. Case No.506 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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