

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72795 of 2018

Arising Out of PS. Case No.-165 Year-2018 Thana- RAJIVNAGAR District- Patna

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ASHWINI TIWARY, aged about 28 years, Son of Chandra Mohan Tiwary,
Resident of Rajeev Nagar, Road no.8 B, Police Station-Rajeev Nagar,
District-Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Umesh Kumar Singh, Advocate.
For the Opposite Party : Mr. Ram Priya Saran Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 22-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
28.05.2018 in a case for the offence registered under Sections
341, 323, 324, 307, 302 and 504 of the IPC.

The prosecution story, in brief, is that the shop keeper
Chandra Mohan Tiwari and his son Ashwini and other some
unknown persons caught hold the brother of the informant Punit
Sah. Chandra Mohan Tiwari and his son Ashwini gave knife
blow on his stomach and chest. He fell down on earth and
started bleeding. The associate of both person also assaulted the
informant. After occurrence they fled away. The informant
brought his brother in P.M.C.H., Patna, but doctor declared
dead.

It has been submitted by learned counsel for the



petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the statement of the witnesses who claim to be eye witnesses to the occurrence, the main allegation is against co-accused Chandra Mohan Tiwari who is alleged to have assaulted the deceased with knife. The said statement of the witnesses are in paragraph nos. 24, 25, 26, 27, 32 and 44 of the case diary. There is no allegation of assault being made by the petitioner by knife as per eye witnesses.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned A.C.J.M.- III, Patna, in connection with Rajeev Nagar P.S. Case No. 165 of 2018.

U.K./-

(Sudhir Singh, J)

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