

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56681 of 2019

Arising Out of PS. Case No.-98 Year-2019 Thana- BUXAR INDUSTRIAL District- Buxar

ADITYA PRAKASH SHANDILYA @ AMAN TIWARI Son of Ajay Kumar
Tiware Resident of Village - Nihampur, P.S. - Sikaroul, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Rajendra Nath Jha

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

ORAL ORDER

3 22-10-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner apprehends his arrest in connection
with Buxar (Ind.) P.S. Case No.98 of 2019 registered under
Sections 302, 201 and 120(B) of the Indian Penal Code besides
Section 27 of the Arms Act.

The accusation is that on 15.06.2019 at about 05.00
P.M., Himanshu Pandey, the son of the informant Vindhyachal
Pandey, moved from his house, boarding on the motorcycle,
saying that he was called by Aman Tiwary (petitioner). At about
06.00 P.M., the informant talked to his son, who asked the
informant that he is coming very soon but he did not return in



the night. Thereafter, the informant started searching of his son since the morning of 16.06.2019 but his trace was not found. In course of search of his son, when the informant went to the Nagar Police Station and made query, then he came to know about lying of a dead body near the bank of river of Arjunpur Ganga upon which the informant went there and identified the dead body as of his son Himanshu Pandey. The informant further alleged that before two months, his elder son Himanchal Pandey had moved with the daughter of Ajay Tiwari, the father of the petitioner, due to that reason, pressure was being given to his son Himanshu Pandey to search them. As such, the informant raised suspicion that this petitioner, his father Ajay Tiwari, brother Shivam Tiwari along with three unknown, under conspiracy, called his son Himanshu Pandey and committed his murder.

Learned counsel for the petitioner submits that the petitioner and the informant are distant relative. In fact, the sister of the petitioner was taken by Himanchal Pandey, the elder son of the informant, and if there was any grudge and enmity between the parties, then that was with Himanchal Pandey and not with the deceased Himanshu Pandey. Except suspicion, nothing could be collected against the petitioner in



course of investigation. The petitioner is a student of L.L.B. and with an ulterior motive, he has also falsely been implicated in this case.

On the other hand, learned counsel for the informant opposed the prayer of the petitioner for grant of privilege of pre-arrest bail, submitting that it has come in the F.I.R. that his petitioner had called Himanshu Pandey, the son of the informant, whose dead body was found on the next day near the bank of river of Arjunpur Ganga.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Buxar, in connection with Buxar (Ind.) P.S. Case No.98 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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