

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68349 of 2018

Arising Out of PS. Case No.-173 Year-2018 Thana- MIRGANJ District- Gopalganj

Abhishek Tiwary @ Prince, Son of Mohan Tiwary, Resident of Village-
Ottani Patti, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Roy, Adv.

For the Opposite Party/s : Sri Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 02-01-2019 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 13.09.2018 in a case registered for the offences punishable under sections 302,201/34,120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 20.06.2018 submitted by Nand Kishore Singh to the Station House Officer, Mirganj Police Station to the effect that on 18.06.2018, the informant's son, Nitish Kumar, who used to get CCTV installed, was returning to his house after getting CCTV camera installed, but at 9.30, the informant was informed by the Meerganj Police Station that his son has been shot at and his dead body is lying beside the road near Village-Chhap. The



accused persons also robbed the motorcycle of the informant's son. The informant raised suspicion against one Sekhar Ji, Nandan Kumar and Guriya Kumari. The name of the petitioner sprang up on the confession of co-accused, Prakash Pandey, who not only confessed his guilt, but also stated that one Sachin Singh fired on the son of the informant and the petitioner was one of the associates who was knowing about the planning of robbery.

It is submitted by learned counsel for the petitioner that in fact the petitioner did neither shoot at the informant's son, nor committed any robbery upon him, though he was travelling along with the accused persons, hence, he has been roped in in the present case.

Learned APP after going through the case diary submits that from the confession of the co-accused, Prakash Pandey, it appears that the petitioner actively participated in commission of the crime.

Considering the nature of accusation, particularly, the exculpatory and inculpatory contention of co-accused, Prakash Pandey it appears that petitioner was showing the common intention with co-accused persons, this Court is not inclined to enlarge the petitioner on bail, for the present.

Accordingly, the prayer for bail on behalf of the petitioner above-named in connection with Mirganj P.S. Case



No.173 of 2018, pending before the learned ACJM, XVI,
Gopalganj is rejected.

(Dinesh Kumar Singh, J)

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