

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10320 of 2020

Arising Out of PS. Case No.-116 Year-2019 Thana- MUFFASIL District- West Champaran

ADITYA KUMAR TIWARI @ ADITYA NATH TIWARI Son of late Nagina Tiwari Resident of Village - I.T.I. Dhangad Toli, P.S.- Bettiah, (Muffasil), Distt.- West Champaran, At Present R/o Khabra Road, Mushari, P.S.- Kazi Mohammadpur, Distt.- Muzaffarpur.

... .. 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. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 28-09-2020 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State, through video conferencing.

The petitioner apprehends his arrest in connection with Bettiah (Muffasil) Police Station Case No. 116 of 2019, registered for the offences punishable under Sections 302/120-B/406/420/467/470/471/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is that on 28.02.2019, when the brother of the informant, namely, Niraj Kumar, was present at his newly constructed house along with building materials, the accused persons, named in the First Information Report, including the petitioner, shot dead the



brother of the informant.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive. He further submits that the petitioner is a Government servant, working as a Clerk in B.R.A.B. University, Muzaffarpur. He further submits that no material has come in course of investigation to connect the petitioner with the alleged occurrence and the petitioner's name has been dragged in this case merely on the basis of suspicion due to land dispute.

On the other hand, learned Additional Public Prosecutor, referring to paragraphs 40, 49 and 64 of the case diary, submits that Madhu Devi has stated that 10 dhurs of land out of 32 decimals of land, owned by the father-in-law of Madhu Devi, was sold by her in favour of Sikandar, Pramod and Nawal and the deceased had purchased the same from Sikandar, Pramod and Nawal. He further submits that Madhu Devi has also stated before the Police that the petitioner, along with other land mafia, had threatened the deceased of dire consequences. He, referring to paragraph 64 of the case diary (statement of arrested co-accused Mohan Kumar), submits that Mohan Kumar has stated that he has fired upon the deceased at the behest of the petitioner, his son and other land mafia.



Having heard learned Counsel for the parties and taking into consideration the materials on record, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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