

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.4568 of 2020

Arising Out of PS. Case No.-307 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

PUSHKAR TIWARI Son of Sanmat Tiwary Resident of Village - Narawn,
P.S.- Bhabua, Distt.- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 29-05-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Bhabua P.S. Case No. 307 of 2019(S. Tr. No. 211 of 2019), disclosing offence punishable under Sections 302/34 of the Indian Penal Code and Sections 25(1-b) a, 26, 35, 27 of the Arms Act.

The FIR was registered against unknown. Case diary was called for, which has been received. From the case diary, it appears that on the statement of one Ganpat Tiwary recorded under Section 164 of the Cr.P.C., the petitioner's name surfaced. The said Ganpat Tiwary is said to have seen the occurrence. Statement of one Anmol Tiwary was also recorded under Section 164 of the Cr.P.C., according to which he had seen the petitioner throwing away the arms in a bush nearby the place of



occurrence.

Learned counsel appearing on behalf of the petitioner has submitted that no credence can be given to the statement of said Ganpat Tiwary for the reason that he is one of the signatories of the First Information Report, registered on the basis of fardbeyan of the wife of the victim, which does not disclose, in any manner, the petitioner's involvement in commission of the offence. He has also submitted that one co-accused Mantu Tiwary has been allowed regular bail by this Court by an order dated 19.11.2019, passed in Cr. Misc. No. 73411 of 2019. The petitioner is said to be in custody since 11.06.2019. He has further submitted that had the said Ganpat Tiwary been an eye-witness to the occurrence, the said aspect would have been mentioned in the FIR. He submits that there is no material other than the said exculpatory statement of Ganpat Tiwary and Anmol Tiwary, which are self contradictory, to connect the petitioner with the offence alleged.

Considering the above submission, this application is allowed. 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 learned Additional Sessions Judge-III, Kaimur at Bhabua, in Bhabua



P.S. Case No. 307 of 2019(S. Tr. No. 211 of 2019).

(Chakradhari Sharan Singh, J)

Rajesh/-

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