

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14133 of 2020

Arising Out of PS. Case No.-589 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

Vishnu Shankar Tiwari, S/o Amar Nath Tiwari, Resident of Mohalla -Bhabhua, Ward No.8, Chhawani Muhalla, P.S.- Bhabhua, Distt- Kaimur (Bhabhua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Bansh Dubey
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 16-06-2020 Heard learned counsel for the petitioner and the learned A.P.P. for the State through Video Conferencing.

The petitioner is accused in connection with Excise Case No. 873 of 2019, arising out of Bhabhua P.S. Case No. 589 of 2019, registered under Sections 302 and 120(B)/34 of the Indian Penal Code, Sections 25(1-b)a, 26 and 27 of the Arms Act and Section 37(2) of the Bihar Excise and Prohibition Act, 2016.

The accusation is that Madhav Singh, son of sister of informant, Indrawasi Devi, Advocate, used to reside with her family at the house of informant. The land of her sister, Girija Kunwar, measuring about 200 Bighas was forcibly occupied by Deosharan Singh, regarding which, litigation was going on in the



court and Madhav Singh used to accompany his mother on each and every date in the court. Due to that reason, Deosharan Singh, Gaurav Singh and Dhiraj Singh asked to Madhav Singh not to help his mother in the case. On 02.10.2020, one unknown person came on motorcycle and accompanied to Madhav Singh. When Madhav Singh reached near Ajad Nagar Shiv Temple then Sahil Rayeen @ Bhawani, his one brother and friend came on motorcycle. At that time, Sahil Rayeen shot fire at the chest of Madhav Singh, who fell down and thereafter, all tried to flee away but Sahil Rayeen fell down. Thereafter, Shahil Rayeen was caught hold by local people with country made pistol. Thereafter, Madhav Singh was rushed to the Banarash for better treatment but he died in the way.

Learned counsel for the petitioner submits that petitioner is not named in the FIR but in course of investigation, the name of the petitioner has surfaced in the confessional statement of Sahil Rayeen, who is said to be apprehended at the spot with pistol and motorcycle but he has not stated about making firing by the petitioner. In fact, due to enmity occurred with Sahil Rayeen due to dashing of motorcycle by Sahil Rayeen to the petitioner, Shahil Rayeen disclosed the name of the petitioner. It is further submitted that petitioner has no



criminal antecedent and is in custody since 04.02.2020.

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-III-Special Judge, Excise Act, Kaimur at Bhabhua, in connection with Excise Case No. 873 of 2019, arising out of Bhabhua P.S. Case No. 589 of 2019. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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