

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18635 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- MAHARAJGANJ District- Siwan

Vikash Chandra Tripathi @ Sunil Tiwari male aged about 45 years s/o Shree Bacha Tiwari , r/o village Karnpura, PS G.B. Nagar Tarwara, district Siwan.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-11-2020 Heard Mr. Bindhyachal Singh, learned counsel for the petitioner and Mr. Abhay Kumar Roy, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Maharajganj P.S. Case No. 23 of 2020 registered for the offence under Section 341, 323, 324 , 325, 307 and 34 of the I.P.C. and Section 27 of the Arms Act.

The allegation as per the First Information Report is that on the alleged order of the petitioner one Rohit Kumar fired upon Kabindra Kumar due to which he received gun shot injury in abdomen.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case as an order giver. Learned counsel further submits that from perusal of the First Information Report and the statement of the witnesses recorded during investigation it would be evident that petitioner has not fired upon the victim and he has been dragged in this case as an



order given only. Learned counsel further submits that petitioner is in custody since 27.01.2020.

On the other hand, learned counsel for the State referring to the case diary submits that petitioner is the order giver on whose instance the co-accused / Rohit Kumar fired upon the victim.

Having heard learned counsel for the parties and taking into consideration the materials available on record, the fact that petitioner is the order giver only and he is in custody since 27.01.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 5th Siwan / court concerned in connection with Maharajganj P.S. Case No. 23 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

praful/-

(Anil Kumar Sinha, J)

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