

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19569 of 2020

Arising Out of PS. Case No.-410 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

PAWAN TIWARI, aged about 35 years (Male), Son of Late Bhabhikhan Tiwari, Resident of Ekderwa Tiwari Tola, P.S.- Town Gopalganj, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Surendra Kishore Thakur, Advocate.
For the Opposite Party : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 302, 120(B)/34 of the IPC and 27 of the Arms Act.



The prosecution story, in brief, is that 11 months ago, the informant's villager Guddu Ansari @ Khalilullah and others criminals killed his uncle and brother for which a case was lodged. About 15 days before, Guddu Ansari and his family members made pressure and offered Rs. 5,00,000/- and Five Kathas land to his father to make compromise in that case but his father refused to do so. So, accused persons were angry and given threatening to dire-consequences. On 27.11.2019, while the informant and his father was going to attend the marriage ceremony of his father's friend, co-accused Wazir Ansari, the brother-in-law (*Bahnoi*) of Guddu Ansari and three others surrounded and caught them and opened fire upon them. The informant's father sustained injury and was taken to hospital but on the way, he died. Anyhow, the informant saved his life.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 24.12.2019. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. In course of investigation, the informant, in his re-statement, has raised suspicion against the petitioner. Except for



this, there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, let the petitioner above named, be released on bail on his personal bond to the satisfaction of the learned A.C.J.M., Gopalganj, in connection with Kuchaikot P.S. Case No. 410 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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