

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27094 of 2020

Arising Out of PS. Case No.-164 Year-2020 Thana- AKBARPUR District- Nawada

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NAGIN TIWARI @ DHIRGUNANDAN TIWARI Son of Mukutdhari Tiwari
Resident of Village Pachrukhi, P.S. Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate.

For the Opposite Party/s : Mr. Shamyeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-11-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

Since the physical court proceeding is non-functional,
due to present pandemic, COVID-19, the matter is listed with
defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 147, 148,
149, 295, 295 A, 153, 153 B, 341 and 323, of the Indian Penal
Code.



While the informant was on duty, he received information on telephone that persons of two communities were engaged in brick bating. When he along with the police reached at the place of occurrence and apprehended four persons. The apprehended persons disclosed the name of the petitioner as one of their accomplices.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case due to dirty village politices and enmity. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been made accused in this case on the confessional statement of apprehended persons which has no evidentiary value in the eye of law. He has no criminal antecedent. Similarly situated co-accused, namely, Md. Samiullah @ Samiullah and others have been enlarged on bail by a co-ordinate bench of this court vide order dated 01.10.2020 passed in Cr. Misc. No. 24524 of 2020.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond



of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 164 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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