

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27797 of 2020

Arising Out of PS. Case No.-12 Year-2020 Thana- MIRGANJ District- Gopalganj

Manish Tiwary @ Manish Kumar Tiwary, aged about 25 years, Male, Son of Kailash Tiwary, Resident of Village- Titar, P.S.- Ashaw, District- Siwan. At Present address- Resident of Village- Bharthawa, P.S.- Baliya, District- Baliya (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey, Advocate
For the State : Mr.Bharat Lal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-12-2020 Heard the parties through the virtual court proceeding.

The petitioner seeks bail in connection with Mirganj P.S. Case No. 12 of 2020 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in short is that on 12.01.2020 at 1:20 P.M., the informant lodged an information with Mirganj Police Station stating that on that day at 1:15 P.M. her husband Arun Kumar Singh was sitting at her service center situated at N.H 85. In the meantime, five unknown persons killed her husband making firing simultaneously out of that five miscreants one of them was identified as Kaushal Kumar Singh,



who had fired on her husband, rest four accused persons were bring in air with a view to terrorize the public.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case by the local police. He further submits that the petitioner is not named in the F.I.R. The F.I.R. has been lodged against Kaushal Kumar Singh and four unknown persons. He further submits that the F.I.R. has been lodged the wife of the deceased who is the eye witness of the occurrence as per F.I.R., the specific allegation of firing on the deceased is attributed against Kaushal Kumar Singh and with respect to four unknown persons, it is alleged they were firing in the air. Learned counsel for the petitioner further submits that there is no overt act against the petitioner. There is specific allegation against co-accused Kaushal Kumar Singh and the postmortem report also supported this fact. He further submits that the petitioner is in jail custody since 28.01.2020 and no T.I. Parade till date.

Learned A.P.P. for the State opposed the bail petition.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the



satisfaction of learned A.C.J.M.-XVI, Gopalganj in connection
with Mirganj P.S. Case No. 12 of 2020.

(Anjani Kumar Sharan, J)

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