

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23983 of 2020

Arising Out of PS. Case No.-128 Year-2019 Thana- RAJPUR District- Buxar

=====

PANKAJ KUMAR TIWARI S/o Bimleshwar Tiwari Resident of Kharagpura,
P.S.- Rajpur, District- Buxar, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Adv.

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-12-2020 The learned counsel for the parties were heard at length yesterday and today, the instant case has been listed under the heading for orders.

This is an application for grant of anticipatory bail in connection with Rajpur P.S. Case No. 128 of 2019 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

The case of the prosecution in brief is that on 15.06.2019 at about 12:10 PM., two sons of the informant, namely, Sushil Pathak and Krishna Kant Pathak, had gone to Rampur Market and when they were returning back after completing their work on their motorcycle and had arrived near Prathmik



Vidhayalya Devi Dehra, two motorcycle borne miscreants had arrived at the said place and fired upon the said two sons of the informant causing bullet injuries on their head and chest, whereupon both the sons of the informant had died on the spot.

The learned counsel for petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that neither there is any eye-witness to the alleged occurrence nor there is any specific allegation of the petitioner having fired gunshots on the sons of the informant.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having heard the learned counsel for the parties and having gone through the materials available on record as also the case diary in question, this Court finds that ample materials are available in the case diary so as to show the complicity of the petitioner in the alleged crime,



especially on account of the fact that the location of the mobile of the petitioner has been found to be situated near the place of occurrence on the alleged date and time of occurrence and moreover, the co-accused persons, namely, Ankesh Kumar Singh and Ajay Kumar have named the petitioner to be their accomplice and having participated actively in the crime, apart from the CDRs, tower location, supervision note, investigation carried out by the police etc., all pointing towards the complicity of the petitioner in the alleged crime, hence, I do not find any merit in the present petition, thus, the prayer of the petitioner for grant of anticipatory bail stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

