

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4218 of 2020

Arising Out of PS. Case No.-116 Year-2019 Thana- MUFFASIL District- West Champaran

ABHAY @ ABHAY TIWARY @ ABHYANAND KUMAR TIWARI S/O
Aditya Kumar Tiwari @ Aditya Nath Tiwari R/O I.T.I. Dhangad Toli, P.S.-
Bettiah, (Muffasil), District - West Champaran, at present R/O Khabra Road,
Mushari P.S.- Kazi Mohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 08-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Md. Ataur Rahman, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Bettiah Muffasil P.S. Case No. 116 of 2019 for the offence registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 28.02.2019, while the brother of the informant was sleeping at his under construction house for guarding the building



materials, the accused persons including the petitioner herein had arrived there and shot dead the brother of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that neither the time of occurrence has been furnished nor there is any eye witness to the alleged occurrence and the petitioner has been falsely implicated in the present case merely on the basis of suspicion.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case diary, prima facie this Court is of the opinion that there are ample materials available so as to proceed further as against the petitioner herein, hence the present case is at least not a fit case for grant of anticipatory bail, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

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

