

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12286 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- RAJPUR District- Buxar

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Shivanand Tiwari, aged about 51 years, male, Son of Pandit Brij Bihari
Tiwari, Resident of Village - Khiri, P.S. - Rajpur, Dist. - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 23-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his
arrest in connection with Rajpur P.S. Case No. 294 of 2020,
dated 01.12.2020, instituted for the offences under Sections
341, 323, 504, 307, 326 and 34 of the Indian Penal Code
and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

It has been alleged in the F.I.R. that on the
exhortation of the petitioner, one Murlidhar Trigun fired from



his weapon at the informant but one Kalendra Trigun was injured.

The learned counsel for the petitioner has submitted that though he has been named in the F.I.R. as the person who had exhorted the act of firing against the informant and the injured person, but the fact of the matter is that he was not even present at the place of the occurrence. The petitioner had all along been busy in looking after his ninety years old parents. It has further been submitted that because of a dispute between him and the local Ward Member, namely, Sita Devi over drainage, the petitioner has been named by the informant as one of the accused persons on the prompting of aforesaid Sita Devi.

It has, therefore, been submitted that there is no overt act attributed against the petitioner.

Regard being had to the facts afore-stated, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Buxar in connection with
Rajpur P.S. Case No. 294 of 2020,, subject to the conditions
laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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