

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34010 of 2020

Arising Out of PS. Case No.-514 Year-2015 Thana- NAUBATPUR District- Patna

CHOTU TIWARI @ CHOTE TIWARI @ SUJEET TIWARI Son of Rang
Nath Tiwari Resident of Village - Tiwari Chak, P.S.- Naubatpur and District -
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 27-01-2021

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Naubatpur P.S. Case No.514 of 2015, registered for the offence punishable under Sections 326, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner is named in the First Information Report. He had earlier approached this Court for grant of anticipatory bail, which was rejected by an order dated 06.09.2016 passed in Cr. Misc. No. 29910 of 2016. He, however, did not surrender before the Court below. Learned counsel appearing on behalf of the petitioner is unaware as to whether the petitioner was apprehended or he had surrendered before the Court below. He is in custody since 01.06.2020.

Referring to the First Information Report, he has



submitted that there is general and omnibus allegation against all the three persons named in the First Information Report. He has further argued that there are discrepancies in drawing up of the First Information Report and in the discharge summary issued by the Hospital on discharge of the informant, contradicts the accusations made in the first Information Report. He has also submitted that a written report of the informant has been recorded as the basis for registration of the First Information Report, whereas the *fard beyan* of the informant is the basis for registration of the First Information Report.

On perusal of the First Information Report, I find that there is allegation against all the three persons named therein of having opened indiscriminate firing. The informant received firearm injuries as is evident from the discharge summary issued by the hospital. The allegation made in the First Information Report, thus, cannot be said to be general and omnibus in nature, rather in the Court's view the same are specific against all the three persons of having opened fire.

Be that as it may, considering the fact that the petitioner apparently evaded his arrest after lodging of the First Information Report in 2015 and subsequent rejection of his anticipatory bail application in 2016, I am not inclined to grant



him privilege of bail for the present as there is chance of his fleeing from the course of trial. This application is accordingly rejected.

The court below is directed to take all possible steps to ensure expeditious conclusion of the trial.

(Chakradhari Sharan Singh, J)

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