

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3344 of 2021**

Arising Out of PS. Case No.-108 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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DINESH TIWARI, Son of Jungali Tiwari, Resident of Village - Madhopur,
P.S.- G.B.Nagar, Distt.- Siwan.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Chandra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 07-10-2021 Heard learned counsel for the parties.

The instant appeal has been preferred against the order dated 6.7.2021 passed by learned 1st Addl. Sessions Judge-cum-Special Judge, Siwan, whereby the prayer for bail of the appellant in connection with a case registered under sections 302, 201 and 34 of the Indian Penal Code and section 3(2)(v) of the SC and ST (Prevention of Atrocities) Act was rejected.

As per the prosecution case, the son of the informant was taken by the appellant on his motorcycle at 8 a.m. and soon, thereafter, at about 2 p.m. his dead body was recovered.

It is submitted by learned counsel for the appellant that the appellant has been falsely implicated in the case. On one hand the informant alleges about enmity between the



parties, therefore, the story of the son of the informant going with the appellant, on the face of it, is unbelievable. At best it is a case of last seen. The appellant is in custody since 3.6.2021 and chargesheet has been submitted in the case. The appellant has no criminal antecedent.

Heard learned Spl.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegation against the appellant in FIR, the Court is not inclined to enlarge the appellant on bail and the appeal is rejected.

Liberty is granted to the appellant to renew his prayer for bail after six months.

(Partha Sarthy, J)

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