

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35576 of 2020

Arising Out of PS. Case No.-178 Year-2020 Thana- SONEPUR District- Saran

Rabikant Tiwari @ Bambam Tiwari aged about 34 years son of Late Indarkant Tiwary resident of village- Madan Pur, P.s.- Awtar Nagar, District- Saran (Chapra)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 29-01-2021 Heard learned counsel for the petitioner, the State and the informant.

The petitioner seeks bail in Sonepur Police Station Case No. 178 of 2020 registered for the offences punishable under sections 302/34 of the Indian Penal Code and sections 27 of the Arms Act.

As per the prosecution case, sister of the informant was widow and issueless and residing in the house of the informant. It is further alleged that the petitioner, and other accused persons had evil eye on the property of the victim and one day petitioner and other accused persons, having ill motive, entered in the house of the informant and started firing on his sister. On the sound of firing, when the informant came on the



spot, he saw the petitioner and other accused persons fleeing away on motorcycle.

Learned counsel for the petitioner submits that the petitioner is a victim of false implication due to family dispute and there is no eye witness of the occurrence including the informant who claims that he reached on the spot on hearing sound of the firing. Petitioner is in custody since 1.3.2020.

Learned counsel for the State opposes the prayer for bail and submits that there is allegation against the petitioner and other accused persons that in order to grab the property, they entered into the house of the victim and fired on her as a result of which she died on the spot. Post mortem report also opines that the victim sustained four fire arms injuries. During course of investigation, it has been found that the accused persons have also captured the house of the deceased.

In view of the nature and gravity of the offence alleged in the FIR, prayer for bail of the petitioner is refused.

(Prabhat Kumar Singh, J)

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