

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.36772 of 2020

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

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KRISHNA KANT TIWARI @ SIBU S/o Late Indrkant Tiwari R/o village-
Madanpur Narawn, P.S.- Avtarnagar, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate
		Mr.Satyam Shivam Sundaram, Advocate
For the Opposite Party/s :		Mr.Akhileshwar Dayal, APP
For the Informant	:	Mr. Kundan Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 19-07-2021 Heard learned Senior Counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in
connection with Sonpur (Pahleja O.P.) P.S. Case No. 178 of 2020
registered for the offences under Sections 302/34 of the Indian
Penal Code.

Learned Senior Counsel for the petitioner submits that
in this case the deceased happens to be a widow who had no issue.
The accused persons are the co-sharer.

It is alleged that the widow has been shot dead by the
accused persons including the present petitioner at her village
(Naihar) namely, Kasram Pahleja Ghat, P.S. Sonpur Pahleja O.P.,
District - Saran. The F.I.R. has been lodged on the basis of the
fardbeyan of the brother of the deceased who has alleged that three
boys together with the co-accused Rishi Kumar, son of Fulkant



Tiwari with the co-accused namely, Bambam Kumar and other three sons of Mantu Tiwari had turned into the house of the deceased, fired upon her from their pistol and thereafter they fled away on two motorcycles. The informant claimed that he had seen this petitioner along with other co-accused fleeing away on the two motorcycles from the place of occurrence.

Learned Senior Counsel submits that it is a case of false implication of the petitioner who happened to be the son of late Indrakant Tiwari. It is his submission that the deceased had sold a piece of land with one Shankar Singh and there was a dispute of Rs. 10 Lakhs with him.

It is his submission that the petitioner has no criminal antecedent and is in custody in connection with this case since 01.03.2020, hence he deserves privilege of bail.

On the other hand, learned counsel for the informant as well as learned A.P.P. for the State have opposed the prayer for regular bail of the petitioner. Going through the case diary, learned A.P.P. submits that in paragraph '22' the I.O. has analyzed the CDR of the mobile phone of this petitioner and has found that at the time of alleged occurrence his location was near about the place of occurrence. Learned A.P.P. has further pointed out that in paragraph 8 and 11 of the case diary the witnesses have supported the alleged occurrence that they have claimed to have seen the



petitioner firing upon the deceased. The post mortem report discloses four fire-arm injuries on the body of the deceased.

It is also pointed out that the prayer for bail of the co-accused Rabikant Tiwari @ Bambam Tiwari has been rejected by a learned coordinate Bench of this Court in Cr. Misc. No. 35576/2020 vide order dated 29.01.2021.

Having regard to the facts and circumstances of the case wherein this court has noticed that apart from the informant two witnesses have come forward to support the prosecution case, the analysis of CDR shows the location of mobile phone of the petitioner near the place of occurrence and further that the prayer for regular bail of the co-accused has been rejected by learned coordinate Bench of this court, this Court is not persuaded to enlarge the petitioner on bail.

Prayer for regular bail of the petitioner is, thus, rejected.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

