

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38117 of 2020

Arising Out of PS. Case No.-560 Year-2019 Thana- KESARIA District- East Champaran

Kumod Tiwari @ Kamod Tiwari Son of Lal Babu Tiwari Resident of Village-
Bahuara Haribansh, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Miss Vaishnavi Singh

For the Opposite Party/s : Mr. Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 23-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Kesariya P.S. Case No. 560 of 2019, registered for the offence under Sections 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, while the informant was returning home on Scorpio after finishing his office work, four bike-borne miscreants started chasing him and when informant got down from the vehicle, one of the miscreants opened fire, as a result of which, the informant sustained injury on his leg.

It is submitted on behalf of petitioner that petitioner is not named in the FIR and has been falsely implicated in this case. It is further submitted that during course of investigation, it has been alleged that some witnesses have identified the petitioner, as one of the assailant, in the CCTV footage, but



there is no seizure of CCTV footage nor alongwith the chargesheet, there is any such description of making the CCTV footage, as part of the final report. It is further submitted that it is a self-manufactured document without being any substance. Petitioner is in custody since 15.06.2020. Chargesheet has already been submitted.

However, learned A.P.P. for the State opposed the bail application and submitted that during course of investigation, three witnesses have identified this petitioner, as one of the assailants, of the occurrence. It has further come that police obtained footage of CCTV Camera, which was installed at Pitambar Chowk near place of occurrence, which indicates the involvement of the petitioner in the aforesaid occurrence. Besides, petitioner has also got criminal antecedent and he is accused in altogether five cases.

Considering the facts and circumstances and the fact that petitioner has been identified by some witnesses, as one of the assailant, and petitioner has got criminal antecedent, the bail application of petitioner is rejected.

(Prabhat Kumar Singh, J.)

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