

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.420 of 2021

Arising Out of PS. Case No.-408 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

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BABU TIWARI @ OM KUMAR TIWARI Son of Sunil Tiwari Resident of
Village- Chakpashuram Akopur, Post- Hakam, P.S.- Siwan Muffasil
(Mahadewa O.P.), Distt- Siwan (Bihar) Pin Code- 841227

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Satish Kumar

For the informant : Mr. Ajay Kumar Tiwary, Adv

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the appellant and the State
through virtual mode.

In the light of the order dated 08-03-2021 passed by the
Supreme Court in SUO MOTU WRIT PETITION (Civil) No. 03 of
2020, the limitation period in filing the present appeal is condoned.

The matter relates to grant of anticipatory bail to the
appellant in connection with Siwan Muffasil (Mahadeva O.P.) P.S.
Case No. 408 of 2019 registered for the offences under Sections 302,
120B/34 of the Indian Penal Code, 27 of the Arms Act. and Sections
3(1)(r)(s), 2(v) of the SC/ST Act.

Allegedly, the informant's son was fired upon by the accused
persons as a result of which, he sustained injury and when he was
taken to hospital, the doctor declared him dead.

It has been submitted on behalf of the appellant that the



appellant has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellant. The appellant has falsely been implicated in the present case. In course of investigation, the witnesses have not supported the allegation made in the FIR. The appellant is a student of polytechnic. Due to previous enmity, he has been made accused in this case.

On behalf of the State and the counsel for the informant, it is submitted that the appellant is named in the Complaint Case/F.I.R. There is specific allegation of firing alleged upon the deceased against the appellant. As per FIR, the appellant is said to be assailant. The postmortem report also corroborates the allegation made in the FIR.

Considering the aforesaid facts and circumstances of the case, the prayer for anticipatory bail of the appellant is rejected and the appeal is dismissed.

In case the appellant surrenders and seeks regular bail the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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