

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4043 of 2021

Arising Out of PS. Case No.-249 Year-2020 Thana- GHORASAHAN District- East
Champaran

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Birendra Tiwari Son of Late Deyali Tiwary Resident of Village - Majirwa,
P.S.- Lakhaura, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-06-2021 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

The petitioner seeks regular bail in connection with
Ghorasahan (Lakhaura) Police Station Case No. 249 of 2020,
registered for the offence punishable under Sections
147/148/149/120-B/307/326 of the Indian Penal Code and
Section 27 of the Arms Act.

The allegation, as per the First Information Report, is
that the petitioner, along with other co-accused persons, armed
with lethal weapons, surrounded the father of the informant and
co-accused Gaurav Tiwary and Ram Narayan Prasad fired upon
the father of the informant, due to which the father of the



informant sustained bullet injuries in his shoulder and abdomen.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village politics. He next submits that no overt act has been attributed against the petitioner and from perusal of the First Information Report, it would be evident that on the orders of co-accused Rajnish Mishra, co-accused Gaurav Tiwary and Ram Narayan Prasad fired upon the father of the informant. He next submits that from perusal of the injury report, it would be evident that the father of the informant has received only two gun-shot injuries on his person. He next submits that the petitioner is in custody since 29.08.2020. He further submits that charge sheet has been submitted against the petitioner, as such, there is no likelihood of the petitioner being abscond or tamper with the evidence

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 29.08.2020 and the specific allegation of firing upon the father of the informant is against co-accused persons and charge sheet has been submitted in this case, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Ghorasahan (Lakhaura) Police Station Case No. 249 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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