

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25981 of 2021

Arising Out of PS. Case No.-98 Year-2020 Thana- MUSAHARI District- Muzaffarpur

Kishuni Tiwari Son Of Gauri Shankar Tiwari @ Gauri Tiwari R/O Village-
Dwarika Nagar, P.S.- Mushahari, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

5 01-02-2022 The applicant/accused in Crime No. 98 of 2020 registered with Mushahari Police Station for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused and learned Additional Public Prosecutor for the State.

According to the learned counsel for the applicant, the applicant had gone just for wandering with deceased Pawan Kumar. He is falsely implicated in the crime in question on the basis of suspicion. The applicant is not having any criminal antecedent and he is languishing behind the bar for a period of one and half years.



The learned Additional Public Prosecutor argued that there are eyewitnesses to the incident of the applicant taking away deceased Pawan Kumar and soon thereafter dead body of Pawan Kumar was found.

I have considered the submissions so advanced and also perused the materials placed before me.

The post mortem report prima facie shows that Pawan Kumar died homicidal death due to haemorrhage and shock caused by the head injury. The FIR was lodged by his father Nathuni Sah. He is not an eyewitness to the incident. However, mother of deceased Pawan Kumar, namely, Mina Devi, has categorically stated that the applicant had taken Pawan Kumar with him on 11.06.2020. There are two eyewitnesses who stated that the applicant had purchased chicken, cooked it and ate with the deceased Pawan Kumar. Immediately, at 1:00 PM on 11.06.2020 itself dead body of Pawan Kumar was noticed with head injury. Thus, within few hours of the applicant taking with him deceased Pawan Kumar, dead body of Pawan Kumar was found. There are eyewitnesses to the last seen theory. Hence, **no case for grant of bail to the applicant/accused is made out.** The application is accordingly rejected.



The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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