

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34268 of 2021

Arising Out of PS. Case No.-421 Year-2020 Thana- EKMA District- Saran

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KAMLESH TIWARI SON OF NAGESHWAR TIWARI R/O VILLAGE-
KESARI, P.S.- EKMA, DIST.- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Anil Kumar Singh No.1, APP
For the Informant	:	Mr. Diwakar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-03-2022 Heard Mr. Awadhesh Kumar Singh, learned counsel

for the petitioner, Mr. Anil Kumar Singh, learned Additional

Public Prosecutor for the State and Mr. Diwakar, learned

counsel appearing for the State.

Petitioner seeks regular bail in connection with Ekma
PS Case No. 421/2020 registered for the offences punishable
under Sections 302 of the IPC and Section 27 of the Arms Act.

As per First Information Report, the son of the
informant, namely, Manoranjan Kumar @ Chini had left his
house on 30.11.2020 around 6:00 PM saying that he was going
to attend a marriage ceremony in the village and at about 9:00
PM, the younger son of the informant, namely, Rajnandan called
him on his mobile whereupon Rajnandan was told by his



brother, Manoranjan Kumar @ Chini that he would return after half an hour. Then at 12:30 AM in the same night, one villager came to the house of the informant and said that her son has met with an accident and upon reaching near the house of Sarpanch, the son of the informant namely, Manoranjan Kumar @ Chini was found lying in an injured condition having bullet injury in his head. Subsequently, he was taken to the hospital where he was declared dead.

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 on the basis of subsequent statement made by the informant during course of investigation in which she has raised suspicion against the petitioner. He further submits that petitioner is not named in the FIR and except suspicion, nothing has come against him during course of investigation. It is also submitted that the petitioner has got no criminal antecedent and is in custody since 23.12.2020. The charge-sheet has already been submitted.

On the other hand, learned APP along with learned counsel appearing for the informant vehemently oppose the prayer for bail of the petitioner and submit that during course of investigation statement of father, mother and relative of the



deceased was recorded by the police wherein they have disclosed that the petitioner has committed murder of the informant's son and one Rohit Tiwari who is co-sharer of the petitioner.

In reply, learned counsel for the petitioner submits that all the witnesses, whose statements have been recorded during course of investigation, are interested witnesses and no one is an eyewitness and they have disclosed the name of the petitioner on the basis of hearsay evidence only.

Having regards to the submissions made by the parties and taking into consideration the material on record and the fact that no *prima facie* evidence has come against the petitioner during course of investigation and except statement of relatives of the deceased, no other material has come against the petitioner to connect him with the present offence, petitioner is in custody since 23.12.2020 and the charge-sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, KAMLESH TIWARI be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate,



1st Saran at Chapra in connection with Ekma PS Case No.
421/2020.

(Anil Kumar Sinha, J)

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