

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55580 of 2021

Arising Out of PS. Case No.-260 Year-2021 Thana- SIWAN CITY District- Siwan

RAKESH KUMAR TIWARI S/o Vinod Kumar Tiwari R/o village- Papaur,
P.S.- Sarai O.P., District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Ajay Kumar Pandey, Adv.
For the State	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Nitya Nand Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-05-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant received information that his younger brother has been shot. On reaching the place of occurrence, he saw that his brother having sustained gunshot injuries had died.

It is submitted by learned senior counsel appearing for the petitioner that the F.I.R. was registered against unknown. The name of the petitioner transpired in the confessional statement of a co-accused made before police in course of investigation. Although the same is of no value, even in the said



confession the petitioner is not said to be the assailant. The petitioner is in custody since 4.6.2021 and chargesheet has been submitted in the case.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that participation of the petitioner has come in course of investigation in the statement of the wife of the deceased as also information received from the spy.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, the petitioner not having been named as the assailant in the alleged confessional statement together with the petitioner having remained in custody for 11 months, the Court directs the petitioner to be enlarged on bail in connection with Siwan Town (Sarai O.P.) P.S. Case no.260 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan.

(Partha Sarthy, J)

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