

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11070 of 2023**

Arising Out of PS. Case No.-290 Year-2021 Thana- BASANTPUR District- Siwan

Dharmendra Tiwari @ Dharmendra Kumar, Son of Birendra Tiwari R/v-  
Ganesh Patti, P.S.- Bheldi, District- Saran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shatrughan Pandey

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      19-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 397 of the Indian Penal Code and Section 27 of Arms Act.

As per prosecution case, when the informant was at his shop, in the meantime six unknown miscreants came there and looted several articles from his shop. During course of dacoity, the accused persons shot fire upon the son of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case on the basis of confessional statement of co-accused namely Rahul Singh which has no



evidentiary value in the eye of law. It is further submitted that no T.I. Parade has been conducted by the police till date. Neither the petitioner is named in the F.I.R. nor any looted article has been recovered from his conscious possession. From perusal of the case diary, witnesses stated that one co-accused Rahul fired the abdomen of the informant's son due to which he sustained injury. It is further submitted that the petitioner is languishing in judicial custody since 27.07.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Basantpur P.S. Case No. 290 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1<sup>st</sup> Class, Siwan.

**(Sunil Kumar Panwar, J)**

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