

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17903 of 2023**

Arising Out of PS. Case No.-975 Year-2022 Thana- SIKARPUR District- West Champaran

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Radhey Shyam Tiwari Son Of Haliwant Tiwari R/O Village- Block Road
Narkatiaganj Ward No.20, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 302, 307, 120(B), 34 of the Indian Penal Code

and Section 27 of the Arms Act.

The prosecution case as per F.I.R is that on

02.12.2022, the relative of the informant informed the

informant that his son Rajesh Kumar is in injured



condition caused by fire arm near Trimuhan. The informant then reached at the place and saw his son in injured condition. The son of the informant told to the informant that Md. Firdaush, Akhter, Monu Sharma shot at him and one Jimmi Soni and Jitendra has also injured him and bullet was hit on his leg. The son of the informant was thereafter taken to the hospital, where during treatment, he succumbed to the injuries.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is not named in the F.I.R and his name subsequently sprang up during the course of investigation. It is specifically alleged against co-accused Md. Firdaus Akhtar, Monu Sharma and Jimmit Soni @ Jitendra that they shot at the son of the informant. The petitioner was Chairman of Nagar Parishad, Narkatiaganj and the election of the Chairman was to be held on 18.12.2022 in which 13 persons including the petitioner and the deceased were



candidates. There is no consistent material evidence against the petitioner and only on the basis of suspicion, the petitioner has been roped in the present case. The petitioner is languishing in custody since 11.12.2022. A statement has been made in para 3 of the petition that petitioner is accused in one other case apart from the present one.

Learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted petitioner had conspired along with other co-accused persons in the commission of murder of the son of the informant.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with



Shikarpur P.S. Case No. 975 of 2022.

(Sunil Kumar Panwar, J)

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