

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24443 of 2023**

Arising Out of PS. Case No.-315 Year-2022 Thana- MAHARAJGANJ District- Siwan

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RAVI KUMAR @ RAVI TIWARI S/O MURARI TIWARI Resident of
Village- Rukundupur Tola, Dhanauta, P.S.- Maharajganj, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar Srivastava, Adv.

For the Opposite Party/s : Mr.Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 29-08-2023 Heard learned counsel for the petitioner and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioner seeks bail in connection with

Maharajganj P.S. Case No. 315 of 2022 dated 08.11.2022

registered for the offence under Sections 302/34 of the

Indian Penal Code and Section 27 of the Arms Act.

The petitioner along with other are alleged to have

assaulted the father of the informant due to which he died

during course of treatment.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. He further submits that there is land



dispute between the parties and on account of the same and also due to Panchayat election 2021, this petitioner has been made accused in this case with false and fabricated accusation. He further submits that the informant is not the eye witness to the alleged occurrence. He further submits that the petitioner has filed a petition under Section 91 of the Cr.P.C. before the court below seeking to get the CCTV footage, the CDR of mobiles of informant and the deceased as well as the fact that the petitioner had been appearing in the examination on the date of occurrence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 07.11.2022 at 6 PM whereas the instant F.I.R. has been lodged on 08.11.2022 after 23 hours without any explanation. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.11.2022.

Learned counsel for the informant as well as learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that from the F.I.R. itself it is apparent that the petitioner has opened fire upon the father of the informant due to which he



died during course of treatment. He further submits that the petitioner happens to be the main assailant of the occurrence and there is direct allegation of firing attributed to him and the medical evidence also supported the allegation leveled against the petitioner.

Considering the facts and circumstances of the case and the rival submission of the parties and also the direct allegation of firing casing death of the father of the informant, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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