

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27543 of 2023

Arising Out of PS. Case No.-109 Year-2021 Thana- KARAKAT District- Rohtas

1. LAL BABU TIWARI @ SRI LAL TIWARI Son of Late Devi Sahay Tiwari Resident of Village - Dhodhandih, P.S.- Kachhwa, District - Rohtas.
2. Aashish Tiwari @ Ashish Kumar Tiwari Son of Sri Manoj Tiwari Resident of Village - Dhodhandih, P.S.- Kachhwa, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Manish Kumar Singh
For the Opposite Party/s :	Mr.Md. Ataur Rahman
	Mr.Rajendra Narayan, Sr.Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 04-09-2023 Heard learned counsel for the petitioners, learned A.P.P. for the Respondent/State and learned senior counsel for the informant.

2. Petitioners apprehend their arrest in Karakat P.S. Case No. 109 of 2021 registered for the offences punishable under Sections 341, 323, 307, 504, 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, informant has alleged that due to land dispute, the F.I.R. named accused persons including these petitioners assaulted the informant and his brother Dharmendra Tiwari (deceased) and when they tried to flee away,



firstly co-accused Sanoj Tiway opened fire upon them and thereafter petitioner no. 2 (Ashish Tiwari) and Manoj Tiwari @ Pintu Tiwari also started firing indiscriminately which hit the informant's brother, as a result of which, he died on the spot. Petitioner no. 1 (Lal Tiwari) has been held responsible for carrying out this incident.

4. It is submitted on behalf of petitioners that admittedly, due to land dispute between the parties, these petitioners have been made accused in this case. Police, after investigation and examining the independent witnesses, has submitted final form and had not sent up these petitioners for trial, however; learned Magistrate took cognizance against all the accused persons including these petitioners. Petitioners have got clean antecedent.

5. However, learned A.P.P. for the State and learned counsel for the informant vehemently opposed the bail petition and submitted that petitioners are named in the F.I.R. and there is specific and direct allegation against them. Many witnesses have also supported the prosecution case.

6. Considering the specific accusation against these petitioners and materials collected during course of investigation, the prayer for anticipatory bail of petitioner is



rejected.

(Prabhat Kumar Singh, J)

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