

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47631 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- MANJHAGARH District- Gopalganj

Chhatish Tiwari, S/O Late Bharat Tiwari, R/O Village- Parwah P.S..
Badahariya, District. Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Tiwari, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 01-08-2023

1. Heard learned counsel for the petitioner and the PP for the State.

2. Petitioner seeks regular bail in connection with Manjhagarh P.S. Case No. 47 of 2023 dated 17.02.2023 registered for the offences punishable under Sections 307, 385, 387, 506/34 of the Indian Penal Code and Sections 27 of the Arms Act.

3. As per prosecution, the informant alleged that this petitioner along with other co-accused persons barged into his shop and opened fire due to which the informant's brother sustained firearm injury at his stomach and left hand. Further it is alleged that one co-accused Dhananjay Mishra earlier demanded extortion and threatened him of dire consequences.



3. The main submissions advanced by the learned counsel for the petitioner are that though the informant claimed to have identified this petitioner merely on account of physical appearance of the petitioner and the same is not sufficient to substantiate his claim as to he be able to identify this petitioner and moreover the allegation of firing is not specific against this petitioner who has been languishing in jail since 20.03.2023 and against him, the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Heard both the sides and perused the FIR. As per the allegation, five accused persons on two motorcycles arrived at the shop of the informant and thereafter entered into his shop and started firing as a result of which the informant's brother sustained fire-arm injury at his stomach and left hand and the petitioner and one co-accused were identified by the informant, moreover petitioner has criminal antecedents of three cases. Considering the seriousness of the allegation appearing against this petitioner, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.



6. Petitioner may renew his bail prayer after six months, if any significant progress is not made in his trial by the trial court.

(Shailendra Singh, J)

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