

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73872 of 2022

Arising Out of PS. Case No.-153 Year-2022 Thana- CHIRAIYA District- East Champaran

1. RADHESHYAM TIWARI Son of Ram Kumar Tiwari R/V- Jahingra, P.S- Pipra, Dist- East Champaran
2. Santosh Tiwari Son of Ram Kumar Tiwari R/V- Jahingra, P.S- Pipra, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 27-04-2023 Heard learned counsel for the petitioners, informant and learned APP for the State.

The petitioners have prayed for regular bail in a case instituted for the offence under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioners along with others are of firing upon the brother of the informant, due to which he succumbed to injury.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. Petitioners are not named in the FIR. During investigation, on the basis of confessional



statement of co-accused namely, Baleshwar Sahni, name of the petitioners have come into light, which has got no evidentiary value in the eyes of law. There is no consistent evidence no eye-witness of the said crime to show the petitioners have involved in the present case. They are languishing in judicial custody since 22.06.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sikrahna at Dhaka, East Champaran in connection with Chiraiya P.S. Case No. 153 of 2022.

(Sunil Kumar Panwar, J)

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