

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72562 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- KOTWA District- East Champaran

BRIJESH TIWARI @ BRIJESH KUMAR TIWARI @ BARJESH TIWARI
SON OF CHANDRAMOHAN TIWARI R/O VILLAGE- BANBIRWA, P.S.-
KOTWA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-04-2023 Heard learned counsel for the petitioner and learned
APP for the State and learned counsel for the informant.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 341, 323, 324, 354,
307, 379, 504, 506 and 34 of the Indian Penal Code, in which
Charge Sheet has been submitted for the offences under
Sections 323, 324, 307, 302, 504, 506 and 34 of the Indian
Penal Code.

The allegation against the petitioner along with others
is of killing the husband of the informant.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to
village dirty politics. He has committed no offence. He



submitted that the petitioner is alleged to have assaulted the informant's husband namely, Kamlesh Tiwari by *farsa* on his head and another co-accused namely, Dhananjay Tiwari is also alleged to have assaulted the informant's husband by iron rod on his head but as per postmortem report, the deceased has sustained only one injury on his head. The doctor has not stated about the nature of injury, and opined the cause of death due to hard blunt substance and as such the postmortem report of the deceased does not corroborate the allegation levelled against the petitioner. He is languishing in judicial custody since 07.04.2022.

Learned APP for the State and learned counsel for the informant opposed the application for bail and submitted that during investigation several witnesses have supported the prosecution case. It reveals from the Inquest report mentioned in para-28 of the case diary that the injury was found on back side of the head caused by *farsa* and iron rod.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties



of the like amount each to the satisfaction of the learned
A.C.J.M.-10th, Motihari (East Champaran) in connection with
Kotwa P.S. Case No. 126 of 2022.

(Sunil Kumar Panwar, J)

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