

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55939 of 2024

Arising Out of PS. Case No.-98 Year-2011 Thana- MUFFASIL District- Aurangabad

Shiv Chandra Tiwari Son of Ramjee Tiwary Resident of village - Kajwa, P.S.-
Jamhore, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bachan Jee Ojha, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Abhas Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Sessions Trial no.538 of 2023 (arising out of Aurangabad (Muffasil) P.S. Case no.98 of 2011) registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that her husband, the petitioner herein, fired at her father as a result of which her father sustained gunshot injury and died on the spot.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Even from the



contents of the FIR and the material that has transpired in course of investigation, it would be evident that there is no eye witness to the actual occurrence. The petitioner is in custody since 26.7.2023, however there is no chance of the trial concluding in the near future.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted that the trial has already commenced and the witnesses on behalf of the prosecution are being examined.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 27.9.2024, out of the nine chargesheet witnesses, four witnesses including the informant have been examined and they have corroborated the prosecution case.

7. The earlier application for bail of the petitioner was rejected vide order dated 29.2.2024 passed in Cr. Misc. no.76166 of 2023 taking note of the petitioner being the assailant of the deceased. As per the report received from the learned trial Court, four out of the nine chargesheet witnesses have already been examined.

8. In view of the facts and circumstances of the case, the petitioner being the assailant of the deceased and the trial



having progressed, the Court is not inclined to enlarge the
petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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