

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70948 of 2024

Arising Out of PS. Case No.-235 Year-2024 Thana- MIRGANJ District- Gopalganj

Nikesh Kumar Tiwari @ Nikesh Tiwari @ Tulsi S/O Late Ripusudan Tiwari
R/O Ganesh Sthan Mauja, P.S- Phulwariya, Distt.- Gopalganj., Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Harshvardhan, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

For the Informant : Mr. Sanjay Kumar Pandey No.5, Advocate

Mr. Santosh Kumar Mishra, Advocate

Mr. Shyam Sunder Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the Informant. Perused
the case diary.

2. The petitioner seeks bail in connection with
Mirganj P.S. Case No. 235 of 2024 instituted for the offence
under Sections 307, 326 & 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per the prosecution case allegation against the
petitioner is of firing upon the informant while he and his
brother were closing their shop.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22-06-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that as alleged in the FIR, the petitioner had no intention to kill the informant. It is submitted that witnesses who have been examined are highly interested witnesses and are mostly hearsay witnesses. Nothing incriminating has been recovered from the possession of the petitioner.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 82 of the case diary it is submitted that informant in his restatement has fully supported the prosecution case. It is fervently submitted that medical report also corroborates the allegation levelled in the FIR.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation against the petitioner of firing, this Court is not inclined to grant bail to the petitioner. Prayer is *rejected*.

8. However, petitioner will be at liberty to renew



his prayer for bail if the trial is not concluded within a period
of six months.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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