

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76166 of 2023

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

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SHEO CHANDRA TIWARY S/O RAMJEE TIWARY RESIDENT OF
VILLAGE KAJWA PS JAMHARE, DIST.- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Muffasil P.S. Case no.98 of 2011 registered under sections 302 and 34 of the Indian Penal Code.

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 from the contents of the F.I.R. itself, it would transpire that a number of litigations are going on between the petitioner and



the informant happens to be his wife. The manner of occurrence is other than what has been narrated in the F.I.R. It is as a result of the pending dispute between the parties that the informant lodged a false case implicating the petitioner and the other accused persons who happens to be his family members. The petitioner is in custody since 26.7.2023 and investigation in the case has concluded. It is lastly submitted that the F.I.R. named co-accused Ramesh Pandey has been enlarged on bail vide order dated 6.7.2011 passed in Cr. Misc. no.21222 of 2011.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that there is direct allegation against the petitioner of having shot at and killed the father of the informant which is supported from the contents of the post-mortem examination report. It is further submitted that in a case of the year 2011, the petitioner continued to abscond and was taken into custody only in the year 2023.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R. wherein the petitioner is described to be the assailant of the deceased together with the allegations having been supported from the



contents of the post-mortem report, the Court is not inclined to
enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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