

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4949 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- CHHAURADANO District- East
Champaran

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MUNNA TIWARI S/O LATE RAJKISHOR TIWARI R/O VILLAGE-
KUDARKAT, P.S.- CHHAURADANO, DISTRICT- EAST CHAMPARAN,
MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Chhauradano P.S. Case no.247 of 2023 registered under sections 302, 323, 341 and 504 of the Indian Penal Code.

3. As per the prosecution case, the informant states that she received information on telephone to the effect that her brother had assaulted their mother and locked her in the house. Thereafter the informant states that on getting this information, she along with her husband proceeded. It is further stated that her brother is an addict and on earlier occasion also, on their mother not giving the amount demanded by her brother, she was assaulted by him. The informant states that she is convinced that



it is for the same reason that she has been assaulted by the petitioner ie her brother and killed.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From the contents of the F.I.R. itself, it would be evident that the informant is not an eye witness to the occurrence. The manner of occurrence is other than what has been narrated in the F.I.R. and the cause of false implication is dispute with respect to share in the ancestral property. The mother of the informant died as a result of illness. The petitioner is in custody since 30.7.2023 and undertakes to cooperate in the case/trial.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and having perused the contents of the order of the learned trial Court, it transpires that the witnesses have supported the allegation of assault by this petitioner in course of investigation in paragraph nos.5, 7, 8, 34 and 35 of the case diary. Further, in the post-mortem report, it has transpired that external and internal injury was found on vital part of the body of the deceased and the cause of death is said to be head injury caused by hard and blunt object.

7. In view of the facts and circumstances of the case,



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

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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