

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25273 of 2025

Arising Out of PS. Case No.-439 Year-2024 Thana- MUFFASIL District- West Champaran

Amit Tiwari @ Baba S/O Vashishth Tiwari Village- Dhobni, Police Station-
Lauriya, District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap
For the Opposite Party/s : Mr. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-09-2025 Heard learned counsel for the parties.

2. The petitioners seek bail in connection with Bettiah (Muffasil) P.S. Case No. 439 of 2024 registered for the offences under Sections 103(2), 3(5) of the B.N.S. and Section 27 of the Arms Act and later on section 111(2) of B.N.S. was added.

3. The petitioner is named in the FIR and is in custody since 16.08.2024.

4. As per FIR, some of miscreants shot dead the husband of the informant on 05.08.2024 at about 9:15 A.M., near to the Bettiah Railway Station.

5. Learned counsel, while appearing on behalf of the



petitioner, submitted that mere on the basis of suspicion arising out of CCTV footage as the petitioner was found roaming around the place of occurrence which is a public and busy place like railway station, they were implicated with the present occurrence. It is pointed out that during course of investigation one Ritesh Kumar Singh and Pawan Singh who appears acquainted with the informant, were called by informant at her house after 18 days of the occurrence, who also stated that petitioner was found roaming around the place of occurrence, but failed to disclose any involvement of petitioner in actual occurrence of murder. It is pointed out that in view of aforesaid, it can be safely said that save and except suspicion nothing appears available against this petitioner and merely on the ground that informant was in inimical terms with co-accused Abhishek Rai, the petitioner was implicated with the present case.

6. While concluding argument, it is submitted that the co-accused Kamleshwar Prasad Singh @ K.P. Singh has already granted bail by this Court through Cr. Misc. No. 27488 of 2025. It is pointed out that custody of this



petitioner is almost same and as per progress of trial, even till date charge could not framed by the learned Trial Court and, therefore, as a matter of judicial parity, this petitioner also deserve bail beside available merit. It is also submitted that investigation of this case is already completed, charge sheet has been submitted and as such, there is no chance of tampering with the evidence and, moreover, petitioner found involved in eight more criminal cases, where he is on bail. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.***

7. Learned A.P.P. duly assisted by learned counsel appearing for the informant could not disputed the aforesaid factual submission as submitted above, however, he pointed out that the petitioner was actively involved in conspiracy and in actual commission of crime which is evident from the fact that after the commission of offence the accused was gathered at Delhi for party.

8. In view of aforesaid factual submission and by



taking note of the fact as *prima-facie* save and except suspicion arising out of CCTV footage as petitioner was found roaming around the place of occurrence, which is a busy public place like railway station, coupled with the fact that similarly situated co-accused person namely Kamleshwar Prasad Singh @ K.P. Singh has already been granted bail by this Court, as discussed aforesaid, where petitioner is in custody since 16.08.2024, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah (Muffasil) P.S. Case No. 439 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C /Section 480(3) of B.N.S.S.

(Chandra Shekhar Jha, J)

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