

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21395 of 2021

Arising Out of PS. Case No.-129 Year-2020 Thana- SISWAN District- Siwan

Murari Tiwari, aged about 28 years, male, Son of Uday Narayan Tiwari,
Resident of Village- Kishunbari, P.S.- Siswan, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Kumari Anupam, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-09-2021 Heard Mr. Yogesh Chandra Verma, the learned Senior
Counsel for the petitioner assisted by Ms. Kumari Anupam and
learned APP for the State through virtual court proceedings.

Learned Senior Counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 25(1-B)A/26/35 of the Arms
Act.

The allegation against the petitioner is that he was
apprehended by the police with a country made pistol and two live
cartridges.



Learned Senior Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The police is said to have recovered one country made pistol and two cartridges from conscious possession of the petitioner. The petitioner is in custody since 25.06.2020 and he has got three criminal antecedents registered under different sections of the Indian Penal Code as well as under the Arms Act as stated in para-3 of the bail petition.

The learned APP vehemently opposed the prayer for bail of the petitioner.

Taking into consideration the period of custody of the petitioner, let petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned court below/successor court where the case is pending in connection with Siswan P.S. Case No.129 of 2020, subject to the conditions:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the court, if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the court concerned, if the petitioner is implicated in



any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) That the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(4) That the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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