

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53471 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- SAHPUR District- Bhojpur

BRAJESH TIWARY @ BRIJESH TIWARY SON OF NATHUNI TIWARI
RESIDENT OF VILLAGE- ISHWARPUR, PS -SHAHPUR, DIST-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Shahpur P.S. Case No. 224 of 2022, registered for the offences punishable under Sections 341, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. The allegation is regarding the petitioner and one another co-accused person having arrived at the door of the house of the informant and demanded a sum of Rs. 30,000/- and on denial to pay the same, they had fired six rounds from their arms in the air.
4. The learned counsel for the petitioner



has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that a superficial sort of allegation has been levelled and in fact the petitioner was not present at the alleged place of occurrence when the alleged incident had taken place.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner has not specifically been alleged to have fired upon the informant, apart from the fact that he has not been arrested from the spot, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory



bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Bhojpur at Ara, in connection with Shahpur P.S. Case No. 224 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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