

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58198 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- MAHARAJGANJ District- Siwan

RISHU TIWARI @ ABHISHEK KUMAR @ ABHISHEK TIWARI S/o-
BALIRAM TIWARI village- Rukandipur tola Dhanouta Ps- Darounda Dist-
Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP
For the Informant	:	Mr. Abhijeet Abhigyan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-12-2023 Heard learned counsel Mr. Amit Kumar Singh for the petitioner, Mr. Dilip Kumar No.1, learned APP for the State as well as Mr. Abhijeet Abhigyan, learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per the FIR, the petitioner surrounded the informant, his father and others and ordered the co-accused persons to shoot the mukhiya. It is alleged that on the order of the petitioner, co-accused Ravi Tiwari shot upon the informant's father due to which he got injured and later on died.

4. It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. Petitioner is only an order giver and the specific allegation of firing upon the informant's father is against co-accused Ravi Tiwari. He further submits that the petitioner was not present at the place of occurrence, he was discharging his duty in a mall. He further submits that the S.P., Siwan has prayed to examine the CCTV footage but the investigating officer as well as the other higher they have not examined the CCTV footage of the said mall showing that the petitioner was not present at the place of occurrence. Petitioner has one criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that the petitioner is a conspirator of the present occurrence.

6. Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of



his/her arrest or surrender before the learned Court below within a period of six weeks from today, 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 where the case is pending/Successor Court in connection with Maharajganj P.S. Case No.315 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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