

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80306 of 2023

Arising Out of PS. Case No.-45 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

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Ankesh Tiwary @ Ankesh Tiwari Son Of Subash Tiwari R/O Village-
Baletha, P.S.- Siwan Mufassil, Dist.- Siwan, Bihar

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)A, 26 and 35 of the Arms Act pending in the learned court below.

3. As per the prosecution case, on a secret information the police has recovered one loaded country made pistol, 2 cartridges and a knife. It is alleged that all the accused persons were planning to commit theft and robbery.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that four persons were apprehended on the spot. He further submits that petitioner is made accused on the basis of the confessional statement of the co-accused. He further submits that similarly situated other co-accused person has already been granted



bail by different benches of this Court vide order dated 25.03.2023 passed in Cr. Misc. No. 49118 of 2021 and vide order dated 26.04.2022 passed in Cr. Misc. No. 54021 of 2021. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes for prayer for bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Siwan Mufassil P.S. Case No.45 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned Court below is directed to verify the criminal antecedent of the petitioner before accepting the bail bond. If it is found that the petitioner is involved in any other case prior to the present case then the bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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