

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29030 of 2024

Arising Out of PS. Case No.-487 Year-2023 Thana- SIWAN CITY District- Siwan

Pradeep Tiwari, aged about 45 years (Male), Son of Pashupati Nath Tiwari,
Resident of Village- Singarpatti, P.S.- Hussaingan, Dist- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Shanker Tiwari, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 26-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Town P.S. Case No. 487 of 2023 dated 19.09.2023 registered for the offences punishable under Sections 302/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the informant's husband, Shivaji Tiwari alongwith his brother was returning to his home on his motorcycle after shutting down the grocery shop. In the meantime, when he reached near *Aandar Bridge, Renua Road*, 200 meters before to his house, the *Bhaisur* of the informant saw that two unknown miscreants boarded on a motorcycle fired on the head of Shivaji Tiwari and his brother.



The injured were taken to the hospital where the doctor declared the informant's husband Shivaji Tiwari dead.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. His name has surfaced in the present case during the course of investigation on the basis of the disclosure and confessional statement of spy and the co-accused Rishu Pandey as the petitioner has past criminal antecedents which has got no evidentiary value in the eye of law. No incriminating article has been recovered from possession of the petitioner. The other co-accused person Rupesh Tiwari @ Ajit Mani Tiwari has already been granted bail by a Bench of this Court vide Cr. Misc. No. 34189 of 2024 under order dated 13.05.2024. The petitioner has four criminal antecedents and in three cases, he is on bail, as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.



20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Siwan in connection with Town P.S. Case No. 487 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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