

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64798 of 2024

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

Mohammad Basruddin @ Basu, aged about 36 years, Male, Son of Noor Mohammad, R/O Village- Fazilpur, P.S.- Hussainganj, Dist- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ramchandra Singh, Advocate

For the Opposite Party : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Siwan 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 riding 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 falsely been implicated in the present case. It is submitted that the petitioner is not named in the F.I.R. His name has come in the present case on the basis of the confessional statement of the co-accused Rishu Pandey which has got no evidentiary value in the eye of law. There is no eye witness to the alleged offence. It is further submitted that during the course of investigation, the I.O. of the present case could not collect any cogent and legal evidence against the petitioner to connect him with the alleged offence. It is further submitted that except the confessional statement of the co-accused Rishu Pandey, there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is further submitted that the other co-accused person Pradeep Tiwari has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 29030 of 2024 under order dated 26.07.2024. The petitioner has one criminal antecedent 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 before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Siwan, in connection with Siwan Town P.S. Case No. 487 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.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 is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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