

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69495 of 2023**

Arising Out of PS. Case No.-85 Year-2023 Thana- MAJORGANJ District- Sitamarhi

1. Madhurendra Tiwari @ Bulu Tiwari, aged about 44 years (Male), S/O Paspas Tiwari, R/O Village- Khairwa Goat, P.S- Majorganj, Distt.- Sitamarhi.
2. Sushil Kumar Tiwari @ Sunil Kumar Tiwari, aged about 36 years (Male), S/O Mahendra Tiwari, R/O Village- Khairwa Goat, P.S- Majorganj, Distt.- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party : Mr. Anil Kumar Singh No. 1, A.P.P.

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

ORAL ORDER

3 21-02-2024 A supplementary affidavit has been filed on behalf of the petitioners. Let it be kept on the record.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Majorganj P.S. Case No. 85 of 2023 dated 30.03.2023 registered for the offences punishable under Sections 420, 467, 468, 489D of the I.P.C. and Sections 25(1-b)a, 26 and 35 of the Arms Act.

4. As per the prosecution case, on secret information, police apprehended the co-accused Sunil Prasad Kushwaha who



disclosed the name of the petitioners and other co-accused. On search of bag, one loaded country made pistol, three live cartridges, several notes of Indian and Nepali currency total Rs. 2,11,000/- were recovered. It is further alleged that from the bag of the co-accused Sunil Prasad Kushwaha, several Indian and Nepali currency notes were recovered. The seizure list was prepared and a copy of the same was handed over to the co-accused Sunil Prasad Kushwaha. The arrested accused also disclosed that Md. Sattar has called him there but seeing the police party, he did not come there and fled away and also told the informant that he saw the Baithka of Md. Sattar on which the police party came to the Baithka of Md. Sattar with arrested accused Md. Sattar and got knowledge that the F.I.R. named accused persons have a business of fake Indian and Nepali currency notes and cheated public.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioners. The name of the petitioners has sprung up in the present case on the basis of the confessional statement of the co-accused. It is further submitted that the co-accused have already been granted



anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 71520 of 2023 under order dated 09.11.2023. The petitioners have two criminal antecedents each as stated in supplementary affidavit filed on behalf of the petitioners.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned court concerned, Sitamarhi, in connection with Majorganj P.S. Case No. 85 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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