

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79590 of 2024

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

Rajan Mishra @ Archit Mishra Son of Uday Mishra Resident Of Village
-Karmaul, PS- Aswan, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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

ORAL ORDER

2 13-11-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Siwan Town P.S. Case No. 487 of 2023 dated 19.09.2023 registered for the offences punishable under section 302/34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant's husband, Shivaji Tiwari along with his brother was returning to his home on his motorcycle after shutting down the grocery shop. In the meantime, when he reached near Andar bridge Renua road 200 meters before his house, the bhaibur 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 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 this case. The petitioner is not named in the F.I.R. The petitioner has been made accused in this case on the basis of disclosure of his name by the spy. There is general and omnibus allegation against the petitioner. The co-accused person has already been granted regular bail by this court vide order dated 20.07.2024 passed in Cr. Misc. No. 43658 of 2024. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has ten criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 14.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Siwan Town P.S. Case No.



487 of 2023, with a 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 bond of the petitioner is liable to be cancelled.

(ii). If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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