

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1538 of 2025

Arising Out of PS. Case No.-85 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Nausher Ali Son of Kyamuddin @ Kyamuddin Miya Resident of Village -
Chakia, P.S. - Mahadeva O.P., District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Adv

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is not named in the

F.I.R. and apprehended his arrest in connection with Siwan

Mufassil (Mahadeva O.P.) P.S. Case No. 85 of 2019

registered for the offences punishable under Sections 341,

307, 504 and 506/34 of the Indian Penal Code and Section

27 of the Arms Act.

3. As per the case of prosecution, some unknown

persons opened fire upon informant sitting at his medical

shop, where reason of firing was not selling of cough syrup to



the petitioner and other co-accused without medical prescription.

4. Learned counsel appearing on behalf of the petitioner submitted that after 8 months of alleged occurrence of this case Shamsheer Ali was arrested in Siwan Mufassil P.S. Case No. 406 of 2019, where he recorded his statement *qua* his involvement with the present occurrence and during his confession, he named this petitioner also. It is pointed out that aforesaid co-accused namely Shamsheer Ali after facing full-fledged trial was acquitted by learned ADJ-VII, Siwan through judgment dated 23.08.2023, passed in Sessions Trial No. 712 of 2022. While concluding the argument learned counsel submitted that petitioner found involved in one more case, where he is on bail.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the aforesaid facts and circumstances and by taking note of the fact as except confessional statement of co-accused, who has already been acquitted by learned trial court, nothing incriminating appears against this



petitioner *qua* crime in question, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan/concerned Court below where the case is pending in connection with Siwan Mufassil (Mahadeva O.P.) P.S. Case No. 85 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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