

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34037 of 2025

Arising Out of PS. Case No.-811 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Tausif Alam S/o Anvar Hussain @ Anwar Hussain R/o Village- Habibpur,
P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Siwan Mufassil P.S. Case No. 811 of 2024 registered for the offences punishable under Sections 317(5) B.N.S. and section 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, one secret information that two persons having illegal arms are roaming around Mahuwari Bazar on a white coloured Apache Motorcycle, police reached at the place of occurrence and one Seraj Ahmad was apprehended at the spot. One country made Katta and one liver cartridge was recovered from the right side of waist of accused Seraj Ahmad. Apprehended accused Seraj Ahmad disclosed the name of the petitioner who is said to have fled



away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. Except disclosure of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner is on inimical terms with the co-accused Seraj Ahmad and on account of enmity petitioner has been falsely roped in the present case. No incriminating article has been recovered from possession of the petitioner. Petitioner bears no criminal antecedent. Learned counsel submits that petitioner is ready to cooperate in the investigation.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in connection with Mufassil



P.S. Case No. 811 of 2024, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial Court bringing to its notice that petitioner despite giving assurance to this Court, is not cooperating in the investigation, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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