

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31970 of 2015**

Arising Out of PS.Case No. -152 Year- 2015 Thana -NAUTAN District-  
WESTCHAMPARAN(BETTIAH)

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1. SHIVAM KUMAR RAI @SHIVAM KUMAR Son of Anil Kumar Rai  
@ Chandrakesh Rai, Resident of Village-Dabariya, P.S.-Nautan, District-  
West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Veena Kumari Jaiswal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

4 05-11-2015

Heard the learned counsel for the petitioner as well as  
the learned A.P.P.

The petitioner seeks bail in a case for the offences  
punishable under sections 341, 323, 458 and 380/34 of the I.P.C  
and sections 25 (1-B)/35 of the Arms Act, 1959.

Allegedly, after hearing the sound coming from the  
shop of the informant the brother of the informant woke up and on  
alarm being raised other brother also came there and both entered  
into the shop and tried to catch the miscreants and then one  
miscreant fell down and other miscreants started assaulting both  
the brothers of the informant with rod and rusted gun but the other  
miscreants succeeded in fleeing away with the stolen articles i.e.

cash of Rs. 3,80,000/-, Airtel Coupon, 21 pieces of silver coin and an idol of goddess Durga valued at Rs. 35,000/-. From possession of the petitioner rusted gun, two cartridges, knife, chheni and mobile were recovered and accordingly he was handed over at the police station with those articles. The petitioner also disclosed the name of his associate as Prince Kumar Rai.

Submission is of false implication and that the petitioner's father had lent loan of Rs. 1,00,000/- to the informant for running his business and when the petitioner demanded money he has been implicated after planting those articles being in collusion of the local police. The petitioner is suffering in custody since 24.05.2015 though no stolen article has been recovered from possession of the petitioner or from his house.

The learned A.P.P. opposes prayer for bail by submitting that the petitioner was caught red handed.

In the facts and circumstances as stated above, considering detention of the petitioner and that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri N.P. Singh, J.M. 1<sup>st</sup> Class, Bettiah, West

Champan in Nautan P.S. Case No. 152 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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