

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 26203 of 2017

Arising Out of PS.Case No. -253 Year- 2015 Thana –RAJIV NAGAR District- PATNA

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Shubham Jyoti, Son of Shri Mahesh Prasad Singh @ Mahesh Kumar Singh,
Resident of Mohalla- Jay Prakash Nagar, B-34, Post- Ashiyana Nagar, P.S. Shastri
Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahesh Prasad Singh, Advocate
For the State : Mr. Manoj Kumar -1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-07-2017

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection
with Rajiv Nagar P.S. Case No. 253 of 2015 dated 15.09.2015
instituted under Sections 341/323/447/448/504/506/34 of the Indian
Penal Code and 27 of the Arms Act.

3. The allegation against the petitioner and other
unknown is of general abuse and threat and against the petitioner of
firing in the air.

4. Learned counsel for the petitioner submitted that
earlier there was a hot talk between the informant and the petitioner
and due to this, a frivolous case has been lodged and only to make out
a case under grave Sections there is cosmetic allegation of the



petitioner firing in the air. It was submitted that no such occurrence took place as no reason has been assigned for the said occurrence and further no witnesses have been named in the *fardbeyan*. It was further submitted that there is no recovery of any firearm from the petitioner.

5. Learned A.P.P. submitted that there is allegation of firing in the air against the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class Patna/ Sub-Judge III, Patna in Rajiv Nagar P.S. Case No. 253 of 2015, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

7. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two



consecutive dates, without sufficient cause, shall also lead to
cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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