

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.66281 of 2018**

Arising Out of PS. Case No.-641 Year-2017 Thana- MADHEPURA COMPALINT CASE  
District- Madhepura

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Shambhu Kumar @ Shambhu Kumar Roy, Son of Sri Sitaram Roy, Resident  
of Village- Shakarpura, P.S.- Hansanpur, District- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Vijayeshwar Prasad Singh, Son of Late Motishwar Prasad Singh, Resident of  
Village- Alamnagar, P.S.- Alamnagar, District- Madhepura.

... .. Opposite Parties

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**Appearance :**

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|--------------------|---|------------------------------------|
| For the Petitioner | : | Ms. Mahasweta Chatterjee, Advocate |
| For the State      | : | Mr.Jitendra Kr. Singh, APP         |

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2      03-01-2019                      Heard learned counsel for the petitioner and learned APP  
for the State.

2. The petitioner apprehends his arrest for the offences  
alleged under Sections 417, 420, 448, 504 and 506 of the Indian  
Penal Code registered in connection with Complaint Case No. 641 of  
2017.

3. It is submitted that the petitioner has been falsely  
implicated and he has not committed any offence much less as  
alleged. From paragraph 5 of the complaint petition it transpires that  
the allegation of not having replied the legal notice dated 07.10.2016  
and of having settled the land of *Pokhar* of the complainant as  
Gairmazarua Jalkar in favour of accused no. 1 are wholly  
misconceived inasmuch as the petitioner was District Fishery Officer  
who had taken charge on 22.04.2017 which was subsequent to the  
event aforesaid. It is therefore, submitted that the petitioner has no  
role to play in the entire episode. The petitioner claims clean  
antecedents.

4. Be that as it may, having regard to the entirety of the



facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Mr. Pramod Kumar, learned Judicial Magistrate, 1<sup>st</sup> Class, Madhepura in connection with Complaint Case No. 641 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. as well as with following conditions –

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

**(Vikash Jain, J)**

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