

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.726 of 2019

Arising Out of PS. Case No.-657 Year-2018 Thana- BIHTA District- Patna

Shivam Kumar son of Jyoti Singh, Resident of Village- Painal, P.S.- Bihata
(Naiura) District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj

For the Opposite Party/s : Mr.Sri Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-01-2019 Heard both sides.

The petitioner apprehends his arrest in Bihta P.S. Case No.657 of 2018 registered under Sections 399, 402, 414, 120B of the Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act.

The informant is S.H.O. of Bihta P.S. and alleged that he arrested two persons who disclosed his name as Ravi Singh and Ajit Kumar. The apprehended accused persons disclosed the name of Shivam Kumar (petitioner), Ram Nath @ Vickey, Doctor @ Utpal Kant and Aman Singh. It is alleged that the accused persons were going to commit cognizable offence.

Learned counsel for the petitioner submits that the petitioner is earlier made accused in Bihta P.S. Case No.654 of 2017 and in that case also the petitioner was not named in the



F.I.R. The name of petitioner surfaced in confessional statement of co-accused and he has already been granted anticipatory bail vide Cr. Misc.No.56502 of 2018. It is the high handedness of police official who used to implicate the petitioner in one after another case that too by naming the petitioner in the statement of co-accused. Nothing has been recovered from possession of the petitioner.

Having considered the facts and the nature of allegation made against the petitioner and the fact that the petitioner was not arrested on the spot rather the apprehended co-accused disclosed the name of petitioner, the above named petitioner in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Danapur in connection with Bihta P.S. Case No.657 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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