

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44696 of 2019

Arising Out of PS. Case No.-100 Year-2019 Thana- CHANDI District- Nalanda

SHIVAM KUMAR Son of Shri Suryamani Kumar @ Suryamani Sharma
Resident of Village Sri Nagar Jaitpur, P.S.-Tharthari, District-Nalanda, at
present residing at village Chandi, P.O. and P.S.-Chandi, District-Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Prasad, Sr. Adv.
Mr.Dineshwar Prasad Singh
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-07-2019 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Chandi Police Station Case No. 100 of 2019, disclosing
offences under Sections 302/120B/34 of the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that wife of the informant was killed
inside her house and the informant has alleged that Sanjay
Kumar, Raj Kishore Prasad, Sharvan Kumar and Dhananjay
Kumar were threatening the informant for dire consequence and
they have committed the alleged offence due to previous
litigation. The name of the petitioner has transpired on the basis
of the statement made by the informant, under Section 164 of



the Code of Criminal Procedure, 1973, after a lapse of one-and-a-half months.

Learned Senior Counsel appearing on behalf of the petitioner submits that from perusal of the First Information Report, it will appear that the informant's wife was allegedly killed at 08:30 AM on 28.03.2019, and the First Information Report was registered at the behest of the informant on the same day in the night, in which the name of four persons have been disclosed by the informant. He further submits that the name of the petitioner is not there in the First Information Report and after a lapse of one-and-a-half months, the informant made statement, under Section 164 of the Code of Criminal Procedure, 1973, in which the informant has disclosed the name of this petitioner as one of the assailants with oblique motive. He further submits that there is dispute between the uncle of the petitioner and his father and the petitioner has falsely been implicated at the behest of his uncle.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is not named in the First Information Report and his name has been dragged after a lapse of one-and-a-half months and that too on the basis of the statement of the informant, under Section 164 of the Code



of Criminal Procedure, 1973, I am inclined to grant the petitioner privilege of anticipatory bail.

Accordingly, this application is allowed.

Let the petitioner, Shivam Kumar, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Chandi Police Station Case No. 100 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

