

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82496 of 2019

Arising Out of PS. Case No.-409 Year-2019 Thana- KHAJEKALA District- Patna

Shiv Shankar Kumar @ Kallu Sah @ Shiv Shankar Gupta @ Shiv Shankar Prasad Son of Dinanath Sah A resident of Mohalla - Mirgulabi Bagh, Sadar Gali, Bijali office ki Gali, Police station - Khajekalan, District - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar

For the Opposite Party/s : Mr.Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Khajekalan P.S. Case No. 409/2019 registered under Sections 307, 326, 323, 120(B), 34 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that there was some dispute between the petitioner and the informant over the purchase of a piece of land, petitioner was not directly involved in the commission of the alleged occurrence and petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case



wherein it is the submission of learned counsel for the petitioner that the only reason for which the petitioner's name has been brought in this case is that there was some dispute between the petitioner and the informant over the purchase of a piece of land and because of that dispute the informant has an apprehension that this petitioner had hatched the conspiracy whereunder the unknown persons had fired upon the informant, further submission that the dispute between the petitioner and the informant seems to be a civil nature, the petitioner has no criminal antecedent and that it is the informant who has got criminal antecedent inasmuch as at least three cases under various provisions of the I.P.C. and the Arms Act, and therefore, possibility of any attack on him for those reasons cannot be ruled out, there being no submission on behalf of the State that granting of anticipatory bail is otherwise likely to influence the investigation, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Patna City, in connection with Khajekalan P.S. Case No. 409/2019, subject to condition as laid down under Section



438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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