

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25015 of 2020

Arising Out of PS. Case No.-119 Year-2017 Thana- PHULWARIA District- Begusarai

SHIVAM KUMAR @ SHIVAM CHAUDHARY Son of Sudhir Chaudhary
R/O Village - Malti, P.S. - Fulwaria, District - Begusarai, presently residing at
Flat No. 503, Om Sai Apartment, Datiwali Road, Mumba Devi Colony, Diva
East, P.S.- Thane, District - Thane, Maharashtra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-10-2020 Heard Mr. Chandan Kumar Kashyap, learned
counsel for the petitioner and Mr. Pranav Kumar, learned
Additional Public Prosecutor appearing for the State through
video conferencing.

Petitioner apprehends arrest in connection with
Phulwariya P.S. Case No. 119 of 2017 registered for the
offences punishable under Sections 385, 387, 307, 506/34 of the
Indian Penal Code 1860 and Section 27 of the Arms Act.

The allegation against the petitioner as per the First
Information Report is that he along with other co-accused
persons fired upon the informant and his neighbours but it did
not hit anybody.

Learned counsel for the petitioner submits that both



the parties are co-villagers and the petitioner has falsely been implicated in this case due to the village politics inasmuch as the step brother of the petitioner namely, Shankar Choudhary @ Shankar Kumar @ Fotra is indulged in some land disputes in the village. Learned counsel referring to Annexure-3 which is an Aadhar Card submits that the petitioner resides outside the village at Mumbai and was not aware about institution of the present case in the year 2017. Therefore, there is delay on behalf of the petitioner in moving the Court for grant of anticipatory bail. Learned counsel further submits that similarly situated co-accused persons namely, Anirudh Kumar, Shankar Choudhary @ Fotra and Bibek Kumar have been granted anticipatory bail by co-ordinate Benches of this Court vide orders dated 30.01.2018 and 04.04.2018 passed in Cr. Misc. 4244 of 2018 and 13194 of 2018 respectively.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons have been granted anticipatory bail by co-ordinate Benches of this Court, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above



named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Phulwariya P.S. Case No. 119 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure on the following conditions:-

(i) that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(ii) that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

(iii) that the petitioner will not induce any witness or tamper with the evidence.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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