

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.868 of 2020

Arising Out of PS. Case No.-65 Year-2018 Thana- SALIMPUR District- Patna

SHIV SHANKAR SINGH @ SHIV SHANKAR KUMAR SINGH, aged about 39 years, Gender-Male, Son of Balender Singh, Resident of Village-Rupas Mahaji Tola, Jahangirpur, P.S.-Salimpur, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Deepak Kumar Singh, Advocate.
For the Opposite Party : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 307, 379, 385 and 387 of the IPC.

The prosecution story, in brief, is that on 09.03.2018 while the informant alongwith his son was going to *Pachiyari Tola*, accused persons demanded Rs. 2,00,000/- from him. On protest, petitioner assaulted with the butt of pistol on the head of



the informant and other co-accused persons assaulted with *Lathi* and *Danda*. Co-accused Guddu Singh snatched golden chain from the neck of the informant.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is alleged to have assaulted with the butt of the pistol on the head of the informant. There is no allegation of use of the pistol which indicates that the petitioner had no intention to commit murder of the informant. Hence, no offence under Section 307 of the I.P.C. is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned J.M. Ist Barh, Patna, in connection with Salimpur P.S. Case No. 65/2018 (Gr. No. 375/2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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