

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10861 of 2021**

Arising Out of PS. Case No.-852 Year-2020 Thana- MADHAURAH District- Saran

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SHAMBHU JAISWAL @ SHAMBHU PRASAD Son of Late Jagdish Jaiswal
Resident of Village- Khodaibagh, P.S.- Khaira, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Adv.

For the Opposite Party/s : Ms.Rina Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-06-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking regular bail in connection with Marhowrah P.S. Case No.852/2020 registered for the offences punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in brief is that one Laxman Mahto gave his fardebyan before the Incharge, Bhagwan Bazar Police Station on 06.10.2020 at 8.30 am alleging therein that on 05.10.2020 at about 5.00 pm when he was at his brother's house and his uncle was going to give Rs.60,000/- to someone and when he reached near Chackdhara Olahanpur river near Maiya



Sthan then the accused persons along with two other unknown persons snatched Rs.60,000/- from his uncle. It is further alleged that when the informant raised alarm the accused person namely Rakesh Nut fired from his pistol which hit the left leg below the knee causing injury to the informant.

Learned counsel submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that there is no specific allegation of firing or any overt act against this petitioner. It is submitted that the petitioner has remained in jail in connection with this case since 07.10.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that there is no allegation of firing against this petitioner, it is his case that the petitioner has been falsely implicated in this case as the informant wanted him to withdraw the title suit which has been filed by this petitioner against the prosecution party, learned APP for the State accepts that there is no allegation against the petitioner of firing or any other overt act, the petitioner has remained in jail in connection with this



case since 07.10.2020 and investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No.852 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

