

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15245 of 2021**

Arising Out of PS. Case No.-440 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SHUBHAM KUMAR @ SHIVAM KUMAR SON OF MR. SUKHO @
SUTHO SINGH @ RAJEEV KUMAR Resident of Village - Iniyar, P.S.-
Muffasil, (Lakho O.P.), Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pravin Kumar Ms.Vaishnavi Singh
For the Opposite Party/s :		Mr.Binod Kumar Mr.Sanjay Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 19-07-2021 Heard learned counsel for parties through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Muffasil (Lakho O.P.) P.S. Case No.440 of 2020 registered for the offence punishable under Sections 324, 307, 34 of the Indian Penal Code and section 27 of the Arms Act. Section 302 IPC was added later.



The prosecution case in short is that several accused persons including the petitioner entered the house of informant, abused his son and demanded money to pursue to case filed by his son against them for snatching of motorcycle. Thereafter, they shot fire on the body of his son, due to which he received injury on vital parts of the body.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to enmity. No incriminating article has been recovered from the conscious physical possession of the petitioner. There is general and omnibus allegation against the petitioner. As per the FIR, specific allegation is against co-accused Chunnu Kumar and Murari Kumar, who fired upon the son of informant. The alleged occurrence took place on 29.08.2020 while the written report was given on 02.09.2020 and no reason has been assigned for such delay. The petitioner has no criminal antecedent and has been languishing in custody since 04.12.2020.

Learned APP for the State and learned counsel for the informant opposed the prayer for bail by submitting that due to the alleged firing, the son of informant died during course of



treatment and petitioner was also involved in the alleged occurrence.

Considering the facts and circumstances of this case, since there is no specific allegation against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai, in connection with Muffasil (Lakho O.P.) P.S. Case No.440 of 2020.

(Anjani Kumar Sharan, J)

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