

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21201 of 2021**

Arising Out of PS. Case No.-428 Year-2020 Thana- NAANPUR District- Sitamarhi

ROSHAN KUMAR @ SHIVSHAKTI KUMAR @ SHIVSHAKTI THAKUR
Son of Varun Thakur @ Varun Rai Resident of Village - Chakka Piri, P.S.-
Bahadurpur, District - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Nandan Thakur, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 24-11-2021 Heard Sri Shyam Nandan Thakur, learned counsel
appearing on behalf of petitioner and Sri Nand Kishore Prasad,
learned A.P.P. for the State.

The petitioner, who is in custody since 15.10.2020,
prays for regular bail in connection with Nanpur P.S. Case No.
428 of 2020, registered under Sections 399, 402 and 414 of the
Indian Penal Code and Section 25(1-b)a, 26 and 35 of the
Arms Act.

The prosecution case, in brief, is that on
14.10.2020, the informant, who is a Police Officer, in course
of vehicle checking received confidential information about
assembling of miscreants in the orchard of Shambhu Shahi,
who were making preparation to commit dacoity. Thereafter,
raid was conducted and petitioner along with other miscreants



were apprehended. It has been alleged that one loaded pistol was recovered from the waist of the petitioner. A seizure-list was prepared, which bears the signature of the petitioner.

Learned counsel appearing on behalf of petitioner submits that he has filed supplementary affidavit in which in paragraph-5 he has made specific statement that all the alleged sections in which he has been made accused are not attracted in his case and no fire arm was recovered from the possession of the petitioner. He further submits that petitioner is only 19 years old and he is a student. He further submits that no occurrence took place as alleged in the F.I.R. and the petitioner was neither arrested on the spot nor was possessing any incriminating articles. He further submits that from perusal of the F.I.R. it appears that there were other two unknown persons and due to enmity and personal grudge, the petitioner has falsely been implicated in this case. He further submits that co-accused Rohit Kumar has been released on bail vide order dated 12.08.2021 passed in Criminal Miscellaneous No. 21128 of 2021 by a co-ordinate Bench of this Court, hence he deserves to be released on bail. Learned counsel appearing on behalf of petitioner submits that he has filed the supplementary affidavit through e-mail on 18.11.2021 and he



is filing original copy of the same in Court today.

Let the original copy of supplementary affidavit filed on behalf of petitioner be kept on record of this case.

Learned A.P.P. for the State submits that from perusal of the seizure-list, it appears that petitioner was arrested along with fire arm and as such he does not deserve to be released on bail. He further submits that petitioner has not a clean antecedent and he is also involved in other similar cases.

Having considered the facts and the circumstances of the case and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Nanpur P.S. Case No. 428 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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