

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24656 of 2021

Arising Out of PS. Case No.-347 Year-2019 Thana- BIHARIGANJ District- Madhepura

SHAMBHU MEHTA S/O MAHENDRA MEHTA R/o village- Madanpur
Basa Jagdishpur, P.S.- Alamnagar, Distt.- Madhepura

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Biharigunj P.S. Case No. 347 of 2019 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

Petitioner along with other accused are said to have been assembled to commit a crime and from possession of the petitioner, one loaded country made pistol and eight live cartridges were recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has



been falsely implicated in the present case. Learned counsel further submits that co-accused, namely, Chanardeo Kumar Chandradeo Kumar has been granted regular bail by a co-ordinate Bench of this Court vide order dated 03.03.2020 passed in Cr. Misc. No. 15201 of 2020. Similarly, co-accused Pintu Kumar has been granted regular bail by a co-ordinate Bench of this Court vide order dated 07.07.2021 passed in Cr. Misc. No. 13430 of 2021. Petitioner is in jail custody since 18.11.2019.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Udakishungunj, Madhepura in connection with Biharigunj P.S. Case No. 347 of 2019, subject to the following conditions:-

1. One of the bailors will be own close relative of the petitioner who will give an affidavit of genealogy as to how he is related to the petitioner. The bailor will also undertake to inform the court if



there is any change in the address of the petitioner.

2. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

3. The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

4. The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Rajesh Kumar Verma, J)

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