

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30483 of 2020**

Arising Out of PS. Case No.-573 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

SHAMBHU KEWAT S/O Rajendra Kewat R/O Vill - Tehta, Mallah Toli, P.S.  
Makhdumpur (Tehta O.P.), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar, APP

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

4      06-01-2021                      Heard learned counsel for the petitioner and Mr. Yogendra  
Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Makhdumpur (Tehta OP) P.S. Case No.573 of 2019 registered for the offences punishable under Sections 395, 396 and 397 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused, but no incriminating material has been recovered from the petitioner when the raid was conducted in his house. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 20.02.2020.

Learned counsel submits that the petitioner has not been



identified by any of the witnesses and the co-accused similarly situated has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.25744 of 2020.

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

Having regard to the facts and circumstances of the case that the name of the petitioner has transpired in the confessional statement of the co-accused, but no incriminating material has been recovered from the petitioner when the raid was conducted in his house and he is in custody in connection with this case since 20.02.2020, he has not been identified by any of the witnesses, co-accused similarly situated has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.25744 of 2020, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jehanabad in connection with Makhdumpur (Tehta OP) P.S. Case No.573 of 2019, subject to the condition 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 he is suspected, and



(c) that such person shall not directly or indirectly make any 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

**(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'.

