

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21174 of 2021

Arising Out of PS. Case No.-75 Year-2019 Thana- PURNAHYA District- Sheohar

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PRINCE KUMAR @ SHUBHAM KUMAR S/O RAVI SHANKAR SAH @
SHIVSHANKAR SAH R/O VILLAGE BASAHA, BAJPATTI P.S.,
DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 21-02-2022 Heard Mr. Ashhar Mustafa, assisted by Mr. Abu
Nasar, learned counsel appearing on behalf of the petitioner and
learned A.P.P. for the State.

Let the defect (s), if any, be removed within two
weeks.

The petitioner, who is in custody since 14.09.2020,
seeks regular bail in connection with Purnahia P.S. Case No. 75
of 2019, for the offence punishable under Sections 384, 387,
307, 326 read with Section 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, in brief is that while the
informant, who is police officer, got information that the
petitioner and other co-accused named in the FIR, had
threatened the Coordinator of Rural Development, Department
of dire consequences if he do'nt deposit demand of extortion,
the raiding team found accused persons standing along with



motorcycle near Basbati Bazar Samiti and on seeing the police party all fled away and also dropped arms near the place of occurrence. Three persons were identified by the local people to be the Sanjay Patel, Manish and Ahwini Kumar.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and his name has transpired on the basis of statement of co-accused, Ramnath Sah, made in the police custody. He further submits that petitioner has no criminal antecedent and nothing incriminating article was recovered from the conscious possession of the petitioner and he has not been put on T.I. Parade.

Learned A.P.P. for the State has opposed the payer for grant of bail to the petitioner and submits that petitioner is history seater and he has been named in as many as eight cases as would appear from paragraph No.3 of the bail application and as such the complicity of the petitioner who have been found to have committed offences along with the main co-accused Sanjay Patel cannot be ruled out.

Considering the aforementioned facts and circumstances of the case, it appears nothing has been recovered from the conscious possession of the petitioner, neither he has been put on T.I. Parade and petitioner is in custody since



14.09.2020, charge-sheet has been submitted in this case, the petitioner, above named, 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 S.D.J.M., Sheohar, in connection with Purnahia P.S. Case No. 75 of 2019, 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 bonds.

sanjeev/-

(Purnendu Singh, J)

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