

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22837 of 2021

Arising Out of PS. Case No.-417 Year-2010 Thana- BEGUSARAI TOWN District- Begusarai

SHIVSHANKAR SINGH @ SHIV SHAKTI SINGH @ SHAKTI SINGH
SON OF RAMNANDAN SINGH @ KHARAMU RESIDENT OF
VILLAGE- SIHMA, BABURBANNI TOLA, POLICE STATION-
MATIHANI AND DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 27-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 21.08.2019,
seeks regular bail in connection with Town (Begusarai) P.S.
Case No. 417 of 2010, for the offence punishable under Sections
394 of the Indian Penal Code.

The prosecution case, in brief, is that on
13.09.2010 at about 8.00 P.M. informant closed his shop and
which going to his house, he had kept cash Rs. 35000/-, mobile
and some necessary documents in his bag. As he reached near
the gate of his house, some miscreants were present among



whom, one accused armed with pistol injured him and snatched his bag.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that other co-accused, namely, Kailu Singh @ Sardar has been granted bail by this Court vide B.A. No. 1842 of 2013, dated 10.12.2013. The petitioner is in custody since 21.08.2019.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that from perusal of the case it appears that in para 36 of the case diary, it has been mentioned that there are ten criminal cases pending against the petitioner as such he has suppressed the said fact by making false affidavit for which he is liable to be prosecuted.

Considering the aforementioned facts and circumstances of the case, the Court below is directed to seek report from the concerned Superintendent of police having jurisdiction with respect to the details of cases against the petitioner and if no other criminal case is pending against the petitioner, as stated in paragraph No.3 of the bail application as well as in para 3 of the supplementary affidavit, the petitioner, above named, is directed to be enlarged on bail on furnishing



bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in connection with Town (Begusarai) P.S. Case No. 417 of 2010, subject to the condition that if the petitioner is found involved in other cases also, the Court below is directed to initiate appropriate criminal proceeding for deliberately and intentionally making false affidavit before this Court to obtain favourable order in favour of the petitioner. The court below, in such case, is directed to lodge criminal contempt against the petitioner, in accordance with the provisions of Contempt of Courts, 1971.

(Purnendu Singh, J)

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