

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40122 of 2021**

Arising Out of PS. Case No.-244 Year-2020 Thana- BACHHWARA District- Begusarai

Shambhu Kumar, son of Jatan Mahto, resident of Village + P.O. Chamtha Chakka, Ward No 8, P.S. Bachhawara, District -Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Singh, Advocate

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

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

2 02-02-2022 Heard learned counsel for the petitioner and Mr. Narendra Kumar Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Bachhwara P.S. Case No. 244 of 2020 registered for the offences punishable under Section 384/386/34 of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act. He is in custody since 29.11.2020 having no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that as per the prosecution story, the petitioner and some others were collecting extortion money from the passengers who were going to take bath in the holy river Ganga and on information the informant raided the place and arrested the petitioner with a country made rifle and one cartridge.



Learned counsel submits that the petitioner has been falsely implicated in this case because of his conflict with the local police. According to him, the seizure list has not been properly prepared in accordance with law. It is stated that in any case the petitioner has remained in custody for over one year in connection with the present case and is ready to abide by such terms and conditions which may be imposed for purpose of bail.

Mr. Narendra Kumar Singh, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, but considering that in connection with the present case the petitioner has remained in custody for more than one year, he has otherwise no criminal antecedent, and at this stage, the trial is not likely to commence much less be concluded as informed to this court, this court directs release of the petitioner above named 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 Sri Md. Afzal Alam, learned Judicial Magistrate - 1st Class, Begusarai in connection with Bachhwara P.S. Case No. 244 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

