

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42625 of 2021

Arising Out of PS. Case No.-312 Year-2020 Thana- SIRDALA District- Nawada

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SHUBHAM KUMAR @ SHIVAM KUMAR S/O AJAY PRASAD R/O
DAKHIN DARWAJA, P.S-VISHNUPAD, DISTRICT-GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2022 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), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 15.08.2020,
seeks regular bail in connection with Sirdalla P.S. Case No. 312
of 2020 for the offence punishable under Sections 25(1-b)a, 26
and 35 of the Arms Act.

The prosecution case, in brief, is that the informant
received a information that some criminals have blocked the
road by putting a tree to commit loot near Parandabar More
under Sirdalla Police Station and the police proceeded to the



place of occurrence and apprehended the accused persons. The recovery of arms, live cartridges and mobile phone was made from the possession of Rajkumar Ram @ Kabutari and also from other accused persons who were apprehended by the police. The apprehended accused persons disclosed the name of the petitioner in their confessional statement.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the name of the petitioner has surfaced in this case on the basis of confessional statement of the co-accused persons who were apprehended on the spot. The petitioner was not apprehended on the spot. Nothing has been recovered from the conscious possession of the petitioner. Due to enmity, he has been roped in this case. Petitioner is in custody since 15.08.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, there is no allegation of tampering with the evidence or influencing the witnesses and there is no chance of completion of trail in near future due to COVID-19, 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 ACJM-I, Nawada in connection with Sirdalla P.S. Case No. 312 of 2020, 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.

(Purnendu Singh, J)

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