

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.43606 of 2021**

Arising Out of PS. Case No.-18 Year-2021 Thana- KASHICHAK District- Nawada

SHANKAR KUMAR SON OF BINOD MAHTO @ BINOD PRASAD R/O  
VILLAGE- BHATTA, P.S.- KASHICHAK, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      04-01-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Kashichak P.S. Case No. 18 of 2021 registered for the offence under Sections 399, 400, 402, 413 and 414 of the Indian Penal Code and Section 25(A), (1A), (1AA), (1B), AB, 26(i)(2) and 35 of the Arms Act.

According to the prosecution, three persons along with the petitioner have been apprehended who are said to have been planning to commit loot/ dacoity. The petitioner



is said to have been in possession of one country made pistol.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. According to the F.I.R., the petitioner was in possession of one country made pistol but he has not committed any offence. The petitioner has sufficiently been punished for the alleged recovery as he has been rotting in judicial custody since 31.01.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Nawada in connection with Kashichak P.S. Case No. 18 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

**(Rajesh Kumar Verma, J)**

braj/-

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