

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45673 of 2021**

Arising Out of PS. Case No.-99 Year-2020 Thana- GOPALPUR District- Patna

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SHAMBHU KUMAR S/o AJAY SINGH R/o VILLAGE-BHELWARA, P.S.-
GOPALPUR, DISTRICT-PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Gopalpur P.S. Case No.99 of 2020 registered

for the offences punishable under Sections 147, 148, 149, 341,
323, 504, 109, 307, 379, 337, 338 and 120B of the Indian Penal
Code. He is in custody since 24.03.2021. The petitioner has got
three criminal antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story the allegation against the petitioner is of

firing from his pistol upon the informant.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. Learned counsel submits that there is no specific allegation of assault against the petitioner. It is submitted that the petitioner is in custody in connection with this case since 24.03.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the allegation against the petitioner is that he had started firing by a pistol upon the informant but neither any fire-arm injury has been caused to informant or anybody else nor any sign of firing has been noticed on the spot, the petitioner has remained in custody for near about one year, the petitioner has got three criminal antecedents but in those cases he is on bail, so far as the present case is concerned, considering that the allegation against the petitioner is not getting substantiated from the materials placed before this Court, investigation against him is complete and presence of the petitioner may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-IX,
Patna in connection with Gopalpur P.S. Case No.99 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)

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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'.

