

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53028 of 2021**

Arising Out of PS. Case No.-199 Year-2021 Thana- RAJIVNAGAR District- Patna

SHIBBU KUMAR S/o- SOHAN SAW Resident of Mohalla- Nera Kali  
Mandir, Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Avinash Kumar Singh

For the Opposite Party/s : Mr.Parmeshwar Mehta

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

2      07-01-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State in virtual court  
proceeding.

Let the defects, as pointed out by the office, be  
removed within four weeks of start of normal functioning of the  
physical court.

Petitioner seeks bail in connection with Rajiv Nagar  
P.S. Case No. 199 of 2021 registered for the offences  
punishable under Sections 420, 188 of the Indian Penal Code,  
Section 7 of the Essential Commodities Act, Rule 3 of the  
Oxygen Cylinder Rules, 2016, Section 9 B of the Explosives  
Act and Section 3 of the Pandemic Act.

As per the prosecution case, the petitioner along with  
other accused persons were indulged in black-marketing of



oxygen gas cylinder.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that nothing has been recovered from conscious possession of the petitioner. It appears from the FIR itself that no specific overt-act has been alleged against the petitioner. Learned counsel further submits that co-accused Chandan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 18.11.2021 passed in Cr. Misc. No. 47040 of 2021. Petitioner is in custody since 11.05.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Sub-divisional Judicial Magistrate, Patna in connection with Rajiv Nagar P.S. Case No. 199 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)**

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