

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57457 of 2021

Arising Out of PS. Case No.-272 Year-2020 Thana- RANIYATALAB District- Patna

SHASHI BHUSHAN KUMAR @ SHASHI BHUSHAN @ CHHOTU S/O
LALAN SINGH R/o village- Kaab, P.S.- Raniyatalab (Rani Talab), Distt.-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Advocate.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 21-03-2022

Heard the parties.

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.

Learned counsel for the petitioner is permitted to
make necessary correction in Para-3 of the bail petition in
course of the day in view of the supplementary affidavit filed on
behalf of the petitioner.

The petitioner seeks regular bail in connection with
Ranitalab P.S. Case No. 272 of 2020 for the offence punishable
under Sections 456, 504, 506 and 307/34 of the Indian Penal



Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that on 16.12.2020, when the informant was at his house, three persons came there and asked about his son namely Manoj and started abusing and also threatened to kill his son. On protest, one person namely Anand Singh fired upon the informant who sustained injury in his leg. It is further alleged that two other persons namely Dibyanshu Kumar and Manish Kumar had come to his house in search of his son.

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 one co-accused Dibyanshu in police custody which has no evidentiary value in the eye of law. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has been roped in this case due to previous enmity. Charge sheet has been submitted. Petitioner is in custody since 25.03.2021. He further submits that other co-accused namely Munim Sharma and Biru Kumar have been enlarged on bail vide orders dated 25.01.2022 and 01.02.2022 in Cr. Misc. Nos. 42669 of 2021 and 43497 of 2021 respectively.



Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner on the ground that sufficient material has come against the petitioner in the case diary which is evident from the impugned order.

Considering the aforementioned facts and circumstances of the case, there being no direct allegation of assault against the petitioner, there is no allegation of tampering with the evidence or influencing the witnesses, the name of the petitioner has surfaced in this case in the confessional statement of co-accused and the period of custody of the petitioner, 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-II, Danapur, Patna in connection with Rani Talab P.S. Case No. 272 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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