

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51673 of 2022**

Arising Out of PS. Case No.-256 Year-2019 Thana- PATEPUR District- Vaishali

SHIVNATH KUMAR @ SHIVNATH RAI SON OF LAKHAN RAI @ RAM
LAKHAN RAI RESIDENT OF VILLAGE- LAKHANIPUR, P.S. PATEPUR,
DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Mr. Shivam, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP
For the Informant	:	Mr. Anirudh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 22-12-2022 Heard Mr. Ajay Thakur learned counsel for the petitioner and Mr. Anirudh Kumar Sinha for the informant. The State is represented by Mr. Satyendra Narayan Singh.

The petitioner seeks bail in connection with Patepur P.S. Case No. 256 of 2019 dated 08.10.2019 instituted for the offence under Sections 147, 148, 149, 447, 341, 342, 307, 384 and 387 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation against the petitioner is of having attempted to kidnap a person from the house of the informant and on protest, one Renu Devi was assaulted with a butt of a firearm, leaving her injured. The petitioner is said to have been caught at the spot



and handed over to the police.

The learned counsel for the petitioner has submitted that an absolutely false case has been lodged against him because of his being an RTI activists, who had ruffled the feathers by seeking uncomfortable information about informant and others in the past. Precisely for that reason viz. his activism, he was assaulted and a false case was foisted upon him. In fact, the petitioner, on the same day, had lodged a case against many others including the injured persons of this case, in which chargesheet has been submitted.

As opposed to the aforesaid contention, the learned counsel for the informant has brought to the notice of this Court that the petitioner is accused in four cases from before. When, in this case, the petitioner was caught on the spot by members of the public and handed over to the police, he malingered illness and went to hospital from where he escaped from the custody of the police. For that act, he was again made an accused in a case involving Section 224 of the Indian Penal Code in which the petitioner has been granted bail.

In the present case, the petitioner is in custody since 14.06.2022.

Mr. Thakur submits that there are no chances of the trial in this case being concluded in near future.



The State has vehemently opposed the prayer for bail.

Regard being had to the period of custody of the petitioner, nature of accusation, the background facts, his having lodged a case against the injured persons of the present case and other connected facts, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Vaishali at Hajipur in connection with Patepur P.S. Case No. 256 of 2019.

(Ashutosh Kumar, J)

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