

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64546 of 2021

Arising Out of PS. Case No.-474 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Shiv Kumar @ Shiv Sahni, Son Of Late Kameshwar Sahni, Resident Of East
Gopalpur, Raja Bazar, Police Station- Nagar, District- East Champaran At
Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-05-2022 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 Mr.
Pradeep Narain Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Town P.S. Case No.474 of 2021 registered for
the offences punishable under Sections 147, 148, 149, 448, 342,
323, 324, 307, 379, 504 and 506 of the Indian Penal Code. He is
in custody since 25.08.2021. The petitioner has got no criminal
antecedent.

Learned counsel for the petitioner submits that, as per
the First Information Report, the petitioner is said to be one of



the accused who had entered in the room and was trying to pull away the younger brother of the informant and while fleeing away he had taken away one attache containing a sum of Rs.18,000/- in cash and some clothes.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that there is no specific overt act has been alleged against the petitioner and he has remained in custody for over eight months having no criminal antecedent.

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

Having regard to the submission that no specific overt act has been alleged against the petitioner, from the FIR it would appear that this petitioner is said to be one of the accused who had entered in the room and was trying to pull away the younger brother of the informant but subsequently in the alleged occurrence of giving a dagger blow to the younger brother of the informant no role has been assigned to this petitioner, he has been implicated by saying that while fleeing away the petitioner had taken away one attache containing a sum of Rs.18,000/- in cash and some clothes, further submission that in connection with the present case the petitioner has remained in custody for



over eight months, investigation against him is complete but the trial is not likely to take place in near future, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Town P.S. Case No.474/2021, 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'.

