

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.17805 of 2023**

Arising Out of PS. Case No.-153 Year-2022 Thana- TAJPUR District- Samastipur

BHOLA KUMAR @ SATYA SON OF SHATRUGHAN RAI R/O  
VILLAGE- SONGAR, P.S.- TAJPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      25-05-2023                      Heard learned counsel for the petitioner and the  
learned APP for the State

The petitioner apprehends his arrest in connection with Tajpur P.S. Case No.153 of 2022 instituted under Sections 307, 385, 290/34 of the IPC and Section 27 of the Arms Act lodged on 05.04.2022 by the informant Shashi Shankar Kumar.

As per the prosecution story, the informant and others members of police team proceeded for patrolling duty and was at Ramdayal Chowk Tajpur at 11.30 A.M. when he received information that three persons have fired near Subash Chowk to intimidate peoples of locality. The police team tried to nab them but accused persons managed to escape. It is further alleged that



Video footage was produced by the police in which one of the accused was carrying arms. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that although the allegation of firing is there, no cartridge has been recovered, further he do not have criminal antecedent.

Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to contribute Rs.5000/- towards the Chief Minister Relief Fund through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that there is allegation of firing.

Taking into account the fact that the petitioner is only 20 years of age, have no criminal antecedent and as per the submission of the learned counsel for the petitioner no cartridge was recovered from the spot, this Court is inclined to grant him privilege of bail, subject to payment of the amount as undertaken above.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Tajpur P.S. Case No.153 of 2022 to the satisfaction of learned ACJM, Ist, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Prakash Narayan /  
Sunil

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