

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22962 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- TEGHRHA District- Begusarai

SHIVAM KUMAR @ TIPNA SON OF TIPU SINGH R/O VILLAGE-
JAITPUR, P.S.- BARHIYA, DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 09-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case registered for the offences punishable u/s 307 read with 34 of the Indian Penal Code and 27 of the Arms Act and later on Sections 302, 212, 115 and 120B of the Indian Penal Code were added.

As per the prosecution case, the informant and Ashok Kumar Yadav boarded on a motorcycle were going, in the meantime, two miscreants boarded on a motorcycle intercepted



the said motorcycle and one of the miscreant fired two shots on Ashok Kumar Yadav from behind. On *halla*, villagers gathered there but the miscreants fled away and villagers disclosed their names as Gopal Kumar and Anuraj Kumar. Further, the injured was taken to the Primary Health Centre, Teghrha for treatment.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. The petitioner is not named in the F.I.R . The name of the petitioner has sprung up in the confessional statement of co-accused Gopal Kumar. There is nothing against the petitioner except the confessional statement.

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner by submitting that it is a case of murder which is heinous in nature.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Begusarai in connection with Teghrha P.S. Case No. 300 of



2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure and with a condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond .

The application stands allowed.

(Chandra Prakash Singh, J)

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