

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55989 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- BATHNAHA District- Sitamarhi

Shibu Kumar @ Shibu Kapar, S/O Jiwachh Kapar, R/O Village- Purnahiya,
P.S- Sahiyara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bathnaha P.S. Case No.96 of 2023, lodged on 16.03.2023 under
Sections 399, 402, 414 of the Indian Penal Code and Sections
25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution, on the basis of secret
information, the police raided a certain place and apprehended
four persons, including the petitioner. On search being made,
from the possession of the petitioner, one country made pistol,
one live cartridge and a mobile phone have been recovered.

4. Learned counsel for the petitioner submits that the
petitioner is clean antecedent and is in custody since
17.03.2023. He further submits that co-accused, Dinesh Kumar



has been granted regular bail by a co-ordinate Bench of this Court vide order dated 21.08.2023 passed in Criminal Miscellaneous No. 53120 of 2023. .

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi, in connection with Bathnaha P.S. Case No.96 of 2023, subject to the following conditions:

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

(ii) 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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) 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.

(Dr. Anshuman, J)

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