

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63019 of 2022

Arising Out of PS. Case No.-412 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Shyam Kumar @ Shaka @ Shyam Singh, Son of Raj Kumar Singh, R/V-
Ratanpur, Ward No. 20, Hemara Chouk, Coca Cola Agency, P.S- Town , Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manohar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Begusarai Town P.S. Case No. 412 of 2022 registered for the alleged offences under Sections 385 and 427 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the Arms Act.

As per prosecution case, police conducted a raid on getting secret information about assembly of some miscreants along with two notorious criminals Prince Kumar and Shyam Kumar and the co-accused persons Sanjeev Kumar and Saurav Kumar were apprehended from the spot and from their possession, a loaded country made pistol and mobile phones were recovered. The apprehended persons named the petitioner



and another co-accused Mayank Mafia for being involved with them in their criminal activity.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of confessional statement of co-accused persons and no overt act for any type of criminal activity has been attributed. Nothing incriminating has been recovered from the conscious possession of the petitioner and the petitioner was not apprehended from the spot. The petitioner is in custody since 05.08.2022 and charge-sheet has been submitted. The petitioner has got no criminal history. Another co-accused Saurav Kumar, who was apprehended from the spot, has been granted bail vide order dated 20.02.2023 passed in Cr. Misc. No. 63154 of 2022.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from him and further considering the period of custody of the petitioner along with submission of charge-sheet as well as his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 412 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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