

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56647 of 2022

Arising Out of PS. Case No.-421 Year-2022 Thana- MADHAURAH District- Saran

ANUPAM SHUKLA Son of Late Jagdish Shukla R/V- Tejpurwa P.S-
Marhowrah (Madhaura) Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Marhowrah (Madhaura) P.S. Case No. 421 of 2022,
registered for the offences punishable under Sections 467,
468, 471, 420 and 414 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case as emerging from the FIR is
that on 28.06.2022 at about 08:45 A.M., the SHO of
Marhowrah got a secret information that some criminal on
two motorcycles carrying fire arms, had planned to commit
crime in the locality. Later on, during search three persons on two



motorcycles were caught by the Police, from whom country made pistols, live cartridges and some other incriminating articles were recovered.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that rules of search and seizure has not been followed in regard to the petitioner. He also submits that there is no recovery from the conscious possession of the petitioner. He further submits that the alleged motorcycle belongs to the petitioner as it is registered in the name of his mother. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioner has been languishing in jail since 29.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M. Chapra, Saran in connection with Marhowrah (Madhaura) P.S. Case No. 421 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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