

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63251 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- DANAPUR District- Patna

Shubham @ Chadda @ Chadwa @ Chandra Son of Late Shambhu Nath
Gupta @ Shambhu Sah @ Shambhu Prasad Gupta Resident of village -
Pethiya Bazar, P.S.- Danapur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
24.02.2022, in connection with Sessions Trial No. 534 of 2022
arising out of Danapur P.S. Case No. 459 of 2021, F.I.R. dated
11.07.2021 registered for the offences punishable under
Sections 307, 120(B)/34 of the Indian Penal Code and Section
25(1-B)A, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that the informant,
an ASI, got a secret information on 10.07.2021 that the accused
Shubham, who is lodged in Beur Jail and another accused
Harendra Rai were planning to murder a gur (jaggery) merchant
of Danapur, namely Surendra Prasad so that there should be



havoc in the area in their name. As per informant, Shubham is in touch with other criminals namely Pradumn Kumar and Amit Kumar. Thereafter, accused Amit was apprehended at 4:00 AM in the morning from his house. On inquiry, Amit revealed that accused Shubham, Harendra Rai and Pradyumn were planning to kill Surendra Prasad. On the statement of Amit, police deployed their personnel at merchant shop on 11.07.2022 and when Sonu and Pradyumn reached at the shop and as soon as Sonu took out his gun from his waist to fire, the police overpowered him and nabbed both sonu and Prayumn and arrested them. The country made rifle and bullets were seized from Sonu. Mobiles and bullets were recovered from the accused Amit, Pradyumn and Sonu.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the petitioner was in jail at the time of the alleged occurrence and nothing has been recovered from the conscious possession of the petitioner and hence no case is made out under the Arms Act against the petitioner and only on the basis of suspicion, the petitioner has been falsely implicated in the present case. He further submits that co-accused persons



namely Amit Kumar, Sonu Kumar and Pradyumn Kumar have been granted bail by the learned Court below itself and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.02.2022.

The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries nine more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Danapur, Patna in connection with Sessions Trial No. 534 of 2022 arising out of Danapur P.S. Case No. 459 of 2021, subject to the following conditions :-

(1) Learned Court below shall verify that whether the petitioner is on bail or not in all the nine cases and if the petitioner is not on bail in all the cases, the bail bond of the petitioner shall not be accepted.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(3) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(4) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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