

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66059 of 2023

Arising Out of PS. Case No.-403 Year-2010 Thana- BEGUSARAI MUFFASIL District-
Begusarai

SHIV SHAKTI SINGH @ SHIV SHANKAR KUMAR Son of Shambhu
Singh @ Ram Nandan Singh R/o vill - Baburbanni, Sihma, P.S. - Matihani,
Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Namita Sharma @ Mrs. Namita Kumari, Adv.
Mr. Anshu Dhar Sharma, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Begusarai Muffasil P.S. Case No. 403 of 2010, lodged on
09.11.2010 under Section 394 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against three unknown accused persons against whom
the allegation of loot of motorcycle is there in the FIR.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that only material found against the petitioner is
that the alleged looted motorcycle has been recovered from a
nearby ditch of the village of the petitioner. Counsel further



submits that the name of the petitioner has been figured in this case at the instance of the police only due to the reason that the petitioners' criminal antecedent is not clean.

5. Learned counsel for the petitioner submits that the petitioner is accused in 14 criminal cases and out of those 14 criminal cases, he has been acquitted in 3 cases and in rest of the 11 cases, the petitioner is on bail. Counsel further submits that the petitioner is in custody since 24.05.2023 and ready to fulfill all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that at the time of granting bail to the petitioner, this aspect may be taken into consideration that the antecedent of the petitioner is not clean and there are series of criminal cases pending against the petitioner.

7. 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 J.M. 1st Class, Begusarai in connection with Begusarai Muffasil P.S. Case No. 403 of 2010, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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.

8. It is also directed that the petitioner shall only be released when he shows the proof that in all pending cases, he is not absconding.

(Dr. Anshuman, J.)

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