

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71002 of 2023

Arising Out of PS. Case No.-333 Year-2021 Thana- HATHUA District- Gopalganj

Shubham Pathak @ Shubham Kumar, Son Of Harindra Pathak Resident Of
Village- P.S.- Hathua, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APp

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Hathua P.S. Case No. 333 of 2021, lodged on 14.12.2021 under
Sections 394, 302 of the Indian Penal Code and under section 27
of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against unknown accused persons against whom the
allegation is of committing robbery and also allegation of firing
by pistol which resulted into the death of the informants son.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. She also
submits that the name of the petitioner is not there in the FIR
and his name has come in the FIR by virtue of confessional



statement of the co-accused and nothing incriminating has been recovered from the possession of the petitioner nor he was put on T.I.P. Counsel further submits that other co-accused persons whose name has been figured in this case during investigation have been granted regular bail by the co-ordinate Bench of this Court vide orders dated 25.05.2023 and 23.02.2023 passed in Cr. Misc. Nos. 27208 of 2023 and 33153 of 2022 connected with Cr. Misc. No. 46236 of 2022 respectively. She further submits that the antecedent of the petitioner is clean and he is in custody since 22.05.2023.

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 A.C.J.M-14th, Gopalganj in connection with Hathua P.S. Case No. 333 of 2021, 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.

(Dr. Anshuman, J.)

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