

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70496 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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SHIVESH SAMDARSHI @ SHARBESH SHAMDARSHI Son of Manoj Kumar @ Bablu Singh Used to Residing at maternal Grand Father's House in the village- Ramdiri, P.s-Matihani, Dist- Begusarai while R/V- Rahua, P.S- Sahebpur Kamal, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shubhesh Pandey, Adv.
For the State	:	Mr.Satya Nand Shukla, APP
For the Informant	:	None.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-03-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. However, nobody appears on behalf of the informant.

Learned counsel for the petitioner has filed a supplementary affidavit in the Court today.

The same is taken and kept on record.

The petitioner apprehends his arrest in a case registered for the offence punishable u/s 307, 326, 384 of the IPC and 27 of the Arms Act.

Allegedly, the F.I.R. named accused persons including the petitioner tried to kill the father of the informant by firing.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation of firing is against the co-accused Lalit Vijay Singh. Petitioner has one criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that process u/s 82 Cr.P.C. has been issued against the petitioner.

On the contrary, learned counsel for the petitioner submits that when the anticipatory bail application of the petitioner was pending before the learned court below, process u/s 82 Cr.P.C. was issued and the same is clear from Annexure-2 and 3 of the supplementary affidavit.

Having heard the parties and on perusal of the record, it is clear there is no specific allegation against the petitioner. As a matter of fact, he may be said to be only accompanying the main accused. Moreover, it is also evident that when his anticipatory bail application was pending before the court below, the process u/s 82 Cr.P.C. was issued against the petitioner.



Considering the same, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Sahebpur Kamal P.S. Case No.132 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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