

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1615 of 2023

Arising Out of PS. Case No.-121 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Shuvam Kumar @ Shuvam Kumar Singh @ Shubham Kumar, S/O Manoj
Singh @ Manoj Kumar Resident of village- Pahsara, P.S.- Nowkothi, District-
Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), if any, as pointed out by the office, within

a period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the

petitioner and Mr. Arun Kumar Pandey, learned Additional

Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in

connection with Nowkothi P.S. Case No. 121 of 2021, registered

for the offences punishable under Sections 147, 148, 149, 504,

506, 385, 387 of the Indian Penal Code and Section 27 of the

Arms Act.

The prosecution case is based on the written report of

the informant alleging therein that from the mobile, a demand of



Two Lakhs Rupees as *rangdari* was made and when the same was refused, the petitioner along with two named and unknown persons came at the house of the informant and in order to terrorise, firing has been made.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that the petitioner and the informant are known to each other and no injury has been suffered to any one, apart from the fact that there is no delivery of any amount mentioned in the FIR. He next submitted that from the materials available on record, no case is made out under Section 387 of the Indian Penal Code and now the petitioner is in judicial custody since 04.10.2021 and the investigation is already complete.

On the other hand, learned APP for the State opposed the bail application and submits that the petitioner is carrying altogether 10 criminal cases on his head and there is specific allegation of demand of *rangdari* and firing against the petitioner.

In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is, in fact, on bail in all the cases which have been mentioned in paragraph no. 3 and he is ready to give undertaking that he will fully



cooperate in the trial and will not indulge in intimidation of any witnesses and the informant.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the petitioner is on bail in all other criminal cases and now the charge sheet has already been submitted, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned J.M. 1st Class, Begusarai in connection with Nowkothi P.S. Case No. 121 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner shall mark his attendance before the concerned police station on every first week of each month till 9 months.

(ii) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(iii) 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 antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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