

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9122 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- SHAMBHUGANJ District- Banka

Abhishek Kumar Singh @ Pandit Son of Manoj Kumar Singh @ Mantun
Singh Resident Of Village - Kushaha, P.S. - Shambhuganj, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rounak Kumar Singh Pankaj, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Shambhuganj P.S. Case No. 261 of 2023 instituted for the

offences under Sections 399, 402 of the Indian Penal Code

and Section 25(1-B)a/26/35 of the Arms Act.

3. As per prosecution case, the police, on receipt of

secret information, reached at the place of occurrence and

made search of the house of Fulendra Singh and saw that

eight persons including the petitioner were sitting on the

ground. On seeing the police, they tried to flee but, they

were caught. On search, one country made pistol with six



live cartridges of 7.65 mm were recovered. Other articles were also recovered as mentioned in the seizure list from other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to land dispute. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has five criminal antecedents and in all of them, he is on bail. The allegation made against the petitioner is general and omnibus. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 23.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail after framing of charge, if the charge is not already framed, on furnishing bail bonds of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shambhuganj P.S. Case No. 261 of 2023.

(Rudra Prakash Mishra, J)

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