

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7143 of 2024

Arising Out of PS. Case No.-07 Year-2023 Thana- BIDUPUR District- Vaishali

Shivam Kumar @ Badal Kumar S/o Anil Singh Resident of Village -
Chaksikandar, P.S. - Bidupur, District - Vaishali at Hajipur, State - Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Bidupur P.S. Case No. 07 of 2023, registered for the alleged offence under Sections 399, 402 and 414 of the Indian Penal Code and Section 25(1-b)a, 26/35 of the Arms Act.

03. As per prosecution case, the police received information about assembly of 8-9 miscreants who were making plan to commit some offence. A raid was conducted and three co-accused persons were apprehended and a number of other culprits fled away from the spot. The name of petitioners transpired in the disclosure statements of apprehended co-accused persons.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The recovery of firearm from the place of occurrence is suspicious as it was made in presence of two chowkidars and there was no independent witness of the alleged recovery. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Vaishali at Hajipur/concerned court in connection with Bidupur P.S. Case No. 07 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal



Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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