

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 17695 of 2024**

Arising Out of PS. Case No.-606 Year-2023 Thana- ALAMGANJ District- Patna

Shyam Dahlan @ Shyam Sundar Dahlan S/o Late Chandi Prasad Dahlan R/o
Dahlan Chowk, P.S. - Saharsa Sadar, Dist. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pramod Mishra, Advocate

For the Opposite Party/s : Mr Ram Naresh Ray, APP

CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2 The petitioner apprehends arrest in connection with
Alamganj PS Case No 606 of 2023 dated 10.07.2023 instituted
under Sections 147, 148, 149, 341, 323, 427, 324, 307, 504, 506
of the Indian Penal Code and Sections 25 (1-b) a, 26, 27, 35 of
the Arms Act.

3 The prosecution case is that for taking forceful
possession of the land in question, the petitioner, along with
other accused persons, had involved in making firing from their
pistol.

4 The learned counsel for the petitioner submits that
the mother of Anil Kumar Singh and Munil Kumar Singh is the



original owner of the land in question and she has got a decree from the Civil Court in Title Suit No 15 of 2018. Learned counsel for the petitioner further submits that after the judgment and decree of the Court, the mother of Anil Kumar Singh and Munil Kumar Singh, both are accused in this case, has executed an agreement for sale in favour of Vijay Chandra Dubey and this petitioner to look after the plot. It is submitted by the learned counsel for the petitioner that there is no specific allegation against the petitioner in this case. Other accused, namely, Anil Kumar Singh and Munil Kumar Singh @ Munil Kumar have been granted anticipatory bail vide Cr Misc No 63678 of 2023 on 17.10.2023 by a coordinate Bench of this Court. It is also submitted that the petitioner has two criminal antecedents in which he is on bail.

5 Learned APP has opposed the prayer for bail.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate IV, Patna City



in Alamganj PS Case No 606 of 2023 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and/or his wife, (iii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7 The application stands allowed.

(Khatim Reza, J)

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