

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19977 of 2024

Arising Out of PS. Case No.-166 Year-2023 Thana- VIDYAPATINAGAR District-
Samastipur

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Shubham Kumar @ Shubhav Kumar @ Subham Kumar @ Kar Babu Son of
Late Ram Sringar Chaudhary @ Late Ram Shringar Chaudhary @ Tuntun
Chaudhary Resident of Village-Sherpur, Police Station-Vidyapatinagar,
District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Mahendra Pratap, Adv.
For the Opposite Party/s	:	Mr.Ajit Kumar, APP
For the Informant	:	Mr. Deepak Kumar, Adv.
		Mr. Magan Kumar, Adv.

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Vidyapatinagar P.S. Case No. 166 of 2023 instituted for the
offences under Sections 341, 307, 504, 506, 34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, on the order of the
petitioner, co-accused Madav Kumar put out a country made
pistol from his waist and gave it to Raman Kumar and he
opened fire but, fortunately, the bullet did not hit the Informant's
son.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the order giver. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The date of occurrence is 18.10.2023 but the FIR has been lodged on 22.10.2023 without any explanation for such delay. He has further submitted the specific and direct allegation of firing is on co-accused Raman Kumar. He further submits that from the facts and circumstances of the case, no case is made out either under Section 307 I.P.C. or Section 27 of the Arms Act. The petitioner has altogether four criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 04.12.2023. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner submitting that the petitioner is a veteran criminal.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner coupled with fact that there is no direct allegation against the



petitioner, let the petitioner, abovenamed, be released on bail 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 Vidyapatnagar P.S. Case No. 166 of 2023, subject to following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(iii) If the petitioner again commits similar type of offences in future, the prosecution will be at liberty to file an application for cancellation of the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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