

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24945 of 2024

Arising Out of PS. Case No.-302 Year-2023 Thana- BACHHWARA District- Begusarai

Shivam Kumar @ Shivam Kumar Ishwar, Male, aged about 21 years, Son of
Shri Arun Kumar Ishwar @ Arun Ishwar, Resident of Village- Salempur, P.S.-
Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 302 of 2023 instituted for the offences
punishable under Sections 307, 386, 120(B)/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, accused persons
demanded ransom of Rs. 5,00,000/- from the informant and if
the amount is not given to the accused persons they will send
him to heavenly abode.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He has further submitted
that the accused persons never demanded any ransom amount.



He next submits that the petitioner and the informant are of the same village. Petitioner has been named as one of persons who have fired. There is no cogent material collected against the petitioner. However, during course of investigation, the police has submitted chargesheet against the petitioner. Learned counsel for the petitioner submits that the petitioner has got criminal antecedent as stated in para 3 of the petition. Petitioner is in custody since 04.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO, Act Begusarai, dated 25.01.2024, it appears that the petitioner has committed serious offence. From perusal of the record, it also appears that the accused petitioner earlier demanded extortion amount from the victim and due to this there was grudge against him and on the date of offence i.e., 28.09.2023, the accused petitioner along with two pillion arrived at the spot and made a fire upon the person of the victim. From perusal of the impugned order, it appears that the doctor has also found two exit and two entry injury over the person of the victim.

7. Having considered the aforesaid facts and



circumstances of the case, injury report, criminal antecedent, nature of allegation levelled against the petitioner, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. Learned trial Court is directed to conclude the trial preferably within a period of one year from the date of commitment and proceeding of commitment must be concluded within 15 days from receipt of this order.

(Ramesh Chand Malviya, J)

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