

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33784 of 2024

Arising Out of PS. Case No.-487 Year-2023 Thana- PAHARPUR District- East Champaran

Shivam Pandey @ Shivam Kumar Son of Nawal Kishore Pandey R/O -
Village- Danhi, Harsidhi, Distt- East Champaran Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Paharpur P.S. Case No. 487 of 2023 for the offence registered under sections 399, 401, 379, 413, 414, 120(B) and 34 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 01.12.2023 by the informant, Ambesh Kumar.

3. As per the prosecution story, the informant alleged that upon information that criminals have assembled, the police team raided and arrested some of them. Further, from the car present there, certain electric wire recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that his name has come in the confessional statement of those arrested by the police including Ganesh Kumar and thereafter, the house of the present petitioner was raided but there is nothing on



record to show that any recovery/seizure has been made from his house. He submits that only because of a confession before the police, the implication. Last submission is that he is ready to abide by all the terms and conditions and will be diligently appearing in trial.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that he has criminal antecedent.

7. Taking into account the submissions put forward by the parties as also that his name has come in the confessional statement of the co-accused, subsequently, the house was raided but the police has not recorded any recovery/seizure, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Paharpur P.S. Case No. 487 of 2023 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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