

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45516 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- BALIYA District- Begusarai

Shubham Kumar @ Khakhra Son of Raushan Singh R/O Vill.- Sihma Dih,
P.S.- Matihani, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the State : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-10-2024 Heard Mr. Amar Kumar Singh, learned counsel for
the petitioner and Mr. Surendra Prasad Singh, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
23.04.2024, in connection with Ballia P.S. Case No. 78/2024,
FIR dated 04.03.2024 registered for the offences under Section
394 of the Indian Penal Code and Sections 25(1-B)(a), 26 and
27 of the Arms Act.

3. The allegation of loot is against unknown.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that initially the
petitioner has not been named in the F.I.R. but his name
transpired in this case during investigation on the basis of the
information furnished by the spy and thereafter the petitioner



was arrested. He further submits that it appears from the record the till date no T.I.P. has been conducted by the prosecution and nothing has been recovered from the conscious possession or from the house of the petitioner. He further submits that co-accused person, namely, Anurag Kumar has already been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 57785 of 2024 and co-accused person, namely, Ankit @ Ankit Kumar has also been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 52771 of 2024. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 23.04.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner has himself confessed his guilt in the present occurrence and apart from that petitioner carries eight more cases other than the present one but fairly submits on the basis of the paragraph no.3 of the supplementary affidavit that out of eight cases the petitioner is on bail in seven cases.

6. Considering the aforesaid facts, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 78 of 2024 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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