

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45536 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- ISMAILPUR District- Bhagalpur

Satya Prakash Kumar @ Shivam Kumar Son of Bedanand Mandal Resident
of village - Ismailpur, P.S.- Ismailpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Ismailpur P.S. Case No. 10 of 2024 dated 06.02.2024 instituted for the offence punishable under Sections 448/34 the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner and one other accused person is that they along with unknown miscreant have made 3-4 round firing and fled away by abusing.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner has no concern with the alleged occurrence and no one has sustained injury in the alleged incident. No incriminating articles have been found near



place of occurrence. There is no eye witness of the said occurrence. Learned counsel for the petitioner further submits that on perusal of the F.I.R., it is evident that the I.O. of the present case has not collected any substantive material against the petitioner and Section 448 of the IPC is bailable and Section 27 of the Arms Act is non-bailable. Learned counsel for the petitioner submits that the informant has lodged this false case only to harass and humiliate the petitioner. Lastly, it has been submitted that petitioner has two criminal cases against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ismailpur P.S. Case No. 10 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM 1st Class, Bhagalpur, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as 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 on his absence on two consecutive



dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. 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.

IV. 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.

(Khatim Reza, J)

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