

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49559 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- MADHUBAN District- East Champaran

ABHISHEK SHUKLA @ ABHISHEK KUMAR SON OF ASHOK KUMAR
SHUKLA @ ASHOK SHUKLA R/O- VILLAGE-
BAHILWARA/RUPNATH, P.S.- SARAIYA, DISTT.- MUZAFFARPUR, AT
PRESENT R/V- MADHUBAN BLOCK CAMPUS, P.S.- MADHUBAN,
DISTT.- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Madhuban P.S. Case No. 132 of 2024 for the offence under sections 341, 448, 307, 506/34 of the I.P.C. and section 25(1-b), (a), 26, 35 of the Arms Act lodged on 30.03.2024 by the informant, Shivam Kumar.

3. As per the prosecution story, the informant alleged that when he was closing his shop, the accused/petitioner came and resorted to firing but the same could not hit him and later he escaped. In the process, the fully loaded magazine of the petitioner fell on the place of occurrence itself. Further allegation is that he used to threaten the informant. Accordingly,



the FIR.

4. Learned counsel for the petitioner submits that he is in relationship with the sister of the informant which infuriated them and the case has been created. He is a student and has no role to play in the matter. Further, he has no criminal antecedent.

5. Learned APP opposes the prayer submitting that he used to threaten the informant and also opened fire which, however, did not hit.

6. Taking into account the age of the petitioner as also he do not have criminal antecedent, FIR is there and he will be facing trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions. However, if it is found that the petitioner has criminal antecedent, the order shall become infructuous.

7. Let the petitioner, named above, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Madhuban P.S. Case No. 132 of 2024 subject to the conditions



as laid down under Section 438(2) of the Cr.P.C as well as subject to the following conditions:-

(i) one of the bailors 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 one year to mark his attendance;

(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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