

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51594 of 2024

Arising Out of PS. Case No.-174 Year-2024 Thana- BAHADURPUR District- Darbhanga

Shivam Kumar @ Shivam Raut S/O Sri Bindeshwar Yadav R/O Mohalla-
Saidnagar, P.S- Laheriasarai, Distt.- Darbhanga.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-08-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 364/34 of the Indian Penal Code but subsequently Sections 302 and 201 of the Indian Penal Code were added.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a young boy, aged about 23 years and the informant alleges that on 02.05.2024 his son went to attend the birthday party of his friend Sumit Ranjan, further at 11.00 P.M., the informant called his son (Bablu), who informed that he will spend the night at Sumit place. Further, next morning, when informant called his son, his mobile was switched off and even mobile of Sumit was also switched off,



accordingly, the informant went to the house of Sumit when his mother disclosed that she has no knowledge about his son, it is further alleged that one Golu called from his mobile on mobile of the informant as detailed in the F.I.R., and informed that the accused persons including the petitioner were with his son, thus the informant alleges based on suspicion that accused persons including the petitioner killed his son.

4. The learned counsel for the petitioner submits that petitioner is a student and he passed his CBSE exam from Rose Public School, Darbhanga and thereafter he graduated from Galgotia University, Noida and presently is pursuing law from Choudhary Charan Singh University, Merut and is a student of 2nd year LLB course, as would manifest from Annexure-2 to the anticipatory bail application. It is next submitted that the name of the petitioner transpired in the case based on confessional statement of Sumit. It is next submitted that Sumit was arrested and confessed before the police that Bablu (deceased) used to carry pistol with him and both were school friends, further all friends including the petitioner celebrated his birthday at Rai Saheb Tank and they drank. Further, Shivam (petitioner) took pistol of Bablu and started fiddling when Bablu tried to snatch the pistol, it accidentally fired and Bablu received firearm injury on head and died. The learned counsel appearing on behalf of the



petitioner submits that confessional statement made by accused in police custody does not have any evidentiary value but then submits that even if it is presumed for the moment without admitting that what Sumit disclosed in his statement recorded under section 161 Cr.P.C. is true in that event, it would manifest that petitioner never had any intention of killing the deceased rather the pistol fired accidentally. It is next submitted that Sumit in his confession has stated that the deceased used to carry pistol with him and it was his pistol which accidentally fired. It is further submitted that the investigation of the case is still going on and in the event if the petitioner is sent to jail, in that event, his entire career would be jeopardized and chances are bright that he may come in contact with hardened criminals but then fairly submits that the petitioner will not abscond rather will co-operate in the investigation to prove his innocence. It is also submitted that in the nature of disclosure made by Sumit, the case would not fall within the ambit of Section 364 and 302 of the Indian Penal Code, even if found true.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a



period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bahadurpur P.S. Case No.174/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner is his father namely Bindeshwar Yadav.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. It is further made clear that if charge sheet is submitted against the petitioner and thereafter the learned trial court comes to a conclusion that petitioner is trying to delay the trial in any manner, in that event also, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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