

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56201 of 2024

Arising Out of PS. Case No.-444 Year-2023 Thana- MANER District- Patna

Shubham Kumar Son of Ramesh Prasad, R/o Char Hazar Mohalla, P.S.-
Maner, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mohit Raj, Advocate
For the Opposite Party : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Mr. Mohit Raj, the learned counsel for the
petitioner and Mr. Murli Dhar, the learned Additional Public
Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
03.10.2023, in connection with Maner P.S. Case No. 444 of
2023, FIR dated 13.06.2023, registered for the offences
punishable under Sections 341, 323, 307, 504 and 506 read with
Section 34 of the Indian Penal Code and under Section 27 of
Arms Act.

3. According to the prosecution case, one Nijam Alam
@ Pappu came to the locality of informant for selling drugs and
informant objected to the same and they had a scuffle and
informant slapped Nijam Alam @ Pappu. It is further alleged
that Nijam Alam @ Pappu, armed with a pistol, later came along
with co-accused persons and four to five unknown persons and



opened fire upon informant, but the bullet just grazed past the finger of informant, injuring the same.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or firing attributed against the petitioner, rather there is specific allegation against the co-accused person namely, Nijam Alam @ Pappu, who has fired upon the informant and the petitioner was just accompanying the said co-accused person. He further submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 03.10.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two criminal antecedents other than the present one, however, he fairly admits that the petitioner is on bail in one case.

6. Considering the aforesaid facts and circumstances and mainly the fact that there is no specific allegation of any



assault or overt act or firing attributed against the petitioner, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Danapur, in connection with **Maner P.S. Case No. 444 of 2023**, subject to the following conditions:

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

(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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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