

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60773 of 2024**

Arising Out of PS. Case No.-511 Year-2024 Thana- ALAMGANJ District- Patna

Shishir Kumar Son of Late Baidyanath Prasad R/O Behind Badi Patandevi  
Mandir, Maharajganj, Patna City, P.S. -Alamganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Naresh Dikshit, Adv  
Ms. Kalpana, Adv  
Mr.Kumar Harshvardhan  
For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP  
Mr. Hemant Kumar Karan, Adv

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      01-10-2024      1.    Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2.    The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of Arms Act.
3.    Learned counsel for the petitioner submits that the easiest way to deal with this anticipatory bail application is to reject it at the outset in the nature of the allegation as alleged in the FIR and taking into consideration the criminal antecedents of the petitioner but that would amount to travesty of justice.
4.    Learned counsel for the petitioner next submits that



petitioner has antecedent of six cases and the informant alleges that on 23-6-2024, her husband was watering flowers at the door, when two accused came on a motorcycle and fired indiscriminately killing her husband. It is next alleged that her husband used to carry work of buying and selling properties with the petitioner and other named accused persons and on account of old dispute relating to land, her husband has been killed, next alleges that on 8-3-2023, on day of Holi, petitioner and others assaulted her husband and got him arrested.

5. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that though petitioner has antecedents of six cases, but then from perusal of the sections as alleged in the FIRs as detailed at Para-3, it would manifest that the FIRs were not instituted for any serious offences. It is next submitted that petitioner is son of the Mayor of Patna as such he has been implicated in the instant case by the informant for coercing his mother into submission. It is next submitted that on eve of Holi, petitioner had come to the house of the informant on 24-8-2018 at 11 pm and was hurling abuses on him and his mother for stopping the illegal demolition of construction, thereafter a police case was



instituted against him being Alamganj PS Case No. 458 of 2018, for which his family is holding a grudge. It is next submitted that in the FIR, it has been alleged that petitioner along with others assaulted him and got him arrested on account whereof he was sent to judicial custody, but then the fact is otherwise, it is submitted that on 8-3-2023 at 4 pm on occasion of Holi, the deceased made a firing from his illegal firearms in a drunken condition based on which Alamganj PS Case No. 204 of 2023 dated 8-3-2023 was instituted against the deceased under Arms Act read with Section 37 of the Bihar Prohibition Act (Annexure – 2) and he was taken in custody. It is next submitted that the date of occurrence is 23-6-2024 and the petitioner in between 13-6-2024 till 23-6-2024 was on a family holiday and had gone to Darjeeling and Sikkim, as would manifest from the train tickets (Annexure-4). It is also submitted that the petitioner was not present in Patna on the date of occurrence and the same can also be verified from the booking details of hotels and resorts including the CCTV footage. It is further submitted that the entire allegation hinges around suspicion. It is also submitted that informant is known to the petitioner but then the FIR does not even remotely suggest that petitioner was present at the place of occurrence.



6. Learned APP and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail for the petitioner. Learned counsel appearing on behalf of the informant fairly submits that though petitioner is named in the FIR based on suspicion, but then the investigation of the case is in its nascent stages and if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond or try to tamper with the evidence, on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence that he was not involved in the occurrence.

7. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five 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 Alamganj P.S. Case No. 511 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his



wife, Sweta Kumari.

9. 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 its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

(Satyavrat Verma, J)

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