

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71216 of 2023

Arising Out of PS. Case No.-398 Year-2021 Thana- BIHTA District- Patna

Shubham Kumar Son of Mani Singh @ Manindra Kumar Resident of Village
Amhara P.S. Bihta District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-03-2024 Heard Mr.Dhananjay Kumar, learned counsel for the

petitioner and Mr.Atul Chandra, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bihta P.S.Case No.398 of 2021,FIR dated
14.06.2021 registered for the offences punishable under
Sections 147, 148, 341, 323, 342, 379, 307, 427 of IPC and
Section 27 of the Arms Act.

3. The prosecution case, in short, is that it is a case of
assaulting and opening fire and taking away of Rs.10,00,000/-
from the cash counter of the informant by the accused persons
including the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.



Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. In fact the informant and the co-accused, namely, Atish Singh is own brother-in-law and they are partner of the Rice Mill in question and petitioner has falsely been implicated in the present case merely on the ground that the petitioner is friend of co-accused, namely, Athish Singh and co-accused persons, namely, Chandan Kumar and Raushan Kumar have granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide orders dated 12.07.2022 and 16.11.2022 passed in Cr. Misc. Nos. 60540 of 2021 and Cr. Misc. No. 58388 of 2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the FIR and apart from the aforesaid petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the anticipatory bail petition as well as in para-2 of the supplementary affidavit.



6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Danapur, Patna in connection with Bihta P.S.Case No.398 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(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 court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below 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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