

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78094 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- KALYANPUR District- East Champaran

Shivam Kumar S/O Sriram Kumar Shashtri R/O Village/Mohalla-
Baragovind, P.S- Chakiya, Distt.- East Champaran. Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.
Mr. Sameer Mehra, Adv
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-11-2024 Heard Mr. Anil Kumar, learned counsel for the

petitioner duly assisted by Mr. Sameer Mehra, learned counsel

and the State.

2. The petitioner is in judicial custody in connection
with Kalyanpur P.S. Case No.216 of 2024 for the offences
punishable under Sections 303(2), 317(9), 338, 336(3), 340(2)
& 3(5) of Bhartiya Nyaya Sanhita, 2023 and Section 25(1-B)a,
26 and 35 of the Arms Act lodged on 13.07.2024 by the
informant, Jitendra Kumar.

3. As per the prosecution story, the informant alleged
that during patrolling and upon information reached the Ram
Janki Mutt and apprehended four accused persons. Upon search,

(i) Shivam Kumar (petitioner herein), country made
pistol besides mobile, motorcycle and a master key,

(ii) Raja Kumar, country made pistol, phone,
motorcycle,



(iii) Rahul Kumar, live cartridge, master key, mobile,
(iv) Sachin Kumar, smart phone, master key,
motorcycle. As they failed to provide any document regarding
the fire arms, taken into custody/FIR.

4. Learned counsel for the petitioner submits that he
is a student having no role to play in the matter, the police made
a false implication putting arms theory, he has no criminal
antecedent and is in custody since 14.07.2024 (para-12 of the
petition).

5. Learned APP opposes the prayer submitting that
the police apprehended and recovered the arms from the
accused persons including the petitioner.

6. Taking into consideration the submissions put
forward by the parties as also the fact that the petitioner is a
young person, has remained in custody since 14.07.2024, has no
criminal antecedent, this Court is inclined to extend him the
privilege of bail.

7. Let the petitioner, above named, be released on
bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with
two sureties of like amount each to the satisfaction of learned
Additional Chief Judicial Magistrate-IV, East Champaran at
Motihari in connection with aforesaid P.S. Case subject to the



following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his 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 month for next six months 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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