

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75546 of 2024

Arising Out of PS. Case No.-65 Year-2023 Thana- BHAPTIAHI District- Supaul

Shambhu Kumar Chaudhary Son of Jay Narayan Chaudhary R/O Village-
Andauli, P.S.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bhaptiyahi P.S. Case No. 65 of 2023 lodged on 01.06.2023, for the offences punishable under Section 394 of the Indian Penal Code read with section 27 of the Arms Act and later on sections 411, 302 of the IPC alongwith sections 25(1-B)a, 26 & 35 of the Arms Act has been added.

3. As per the prosecution, FIR has been lodged against 4 unknown persons with allegation that they have committed robbery from the informant on gun point and fired upon the driver who subsequently, died.



4. Learned Counsel for the petitioner submits that petitioner is innocent and has committed no offence. Counsel submits that one of the co-accused has been granted bail by this Court *vide* order dated 27.09.2024 passed in Cr. Misc. No.52494 of 2024. Counsel further submits that petitioner is not named in the FIR and his name has been figured in this case only by virtue of the confessional statement of the co-accused Niraj Kumar from whose possession, one pulsar motorcycle and *desi katta* have been recovered. Counsel submits that as per his knowledge, charge has not been framed in this case. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are four cases pending against him. The petitioner is in custody since 21.02.2024.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that co-accused person to whom bail has been granted by this Court has two criminal antecedents, but the present petitioner has four criminal antecedents and this aspect must be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for regular bail of the petitioner is hereby rejected with



liberty that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J)

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