

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81176 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- RAJAPAKAR District- Vaishali

SHUBHAM KUMAR Son of Dharambir Singh R/o Vill.- Kashipur, P.S.- Raja
Pakar (Barati O.P.), Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 05-03-2024

Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3.As per the prosecution case, the allegation against 12 named persons that they visited to the house of the informant and started abusing and searching about informant's son. They also threatened them to withdraw the case. Upon protest, they started abusing the informant's husband, accordingly local villagers reached there. In the meantime, local villagers have caught Rohit Kumar and he was handed over to the local police. Subsequently, the petitioner with other accused persons reached there and started abusing to the police officials and got arrested Rohit Kumar freed.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that there is absolutely no allegation made in the F.I.R. against the present petitioner. Counsel submits that the name of the petitioner is there only as a member of mob. Learned counsel for the petitioner further submits that all the offences which has been added in the F.I.R. against the petitioner are bailable in nature except Arms Act. Counsel submits that no recovery of arms has been made, therefore, Section 27 of the Arms Act is not attracted in the present case. Counsel also submits that the co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide order dated 28.07.2023 passed in Cr. Misc. No. 39522 of 2023.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest or surrender within a period of six weeks from today, be enlarged 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 Addl. Sessions Judge-II, Vaishali at Hajipur, in connection with Rajapakar P.S. Case No. 286 of 2022, subject to



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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