

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83490 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- RAXAUL District- East Champaran

Shivam Kumar @ Shivam Kumar Singh, S/O Satyendra Singh, Resident of
Village- Dangraha, PS- Mejarganj, Dist.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking regular bail in connection with Raxaul P.S. Case No. 43 of 2024 registered for the offences punishable under Sections 25(1-b)a, 26, 27 and 35 of the Arms Act. He is in custody since 18.02.2024. The petitioner has got one criminal antecedent.

3. Learned counsel for the petitioner submits that as per the prosecution story, on 17.02.2024, the police in course of investigation in Sugauli P.S. Case No. 65 of 2024 had taken confessional statement of Saurav Kumar, Shivam Kumar (petitioner) and Shravan Kumar in which they accepted their involvement in the said case and said that on the instruction of Vishal Kumar Singh, they committed the offence as also they said that Vishal Kumar Singh had provided them arms.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 18.02.2024.

5. Learned counsel submits that the pistols and live cartridges were allegedly recovered from the house of co-accused Vishal Kumar Singh and not from this petitioner.

6. Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

7. Having regard to the submission that the pistols and live cartridges have been recovered from the house of the co-accused Vishal Kumar Singh and not from this petitioner, the petitioner has got one criminal antecedent in connection with which he is already in custody and so far as this case is concerned, he has remained in custody for more than 10 months, investigation against him is complete, the chargesheet has already been filed, he is a student of Engineering as claimed, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari, East Champaran in connection with Raxaul P.S. Case No. 43 of 2024,

subject to the condition as laid down under Section 437 (3)
Cr.P.C.

8. 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
criminal antecedent, the court below shall take steps 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.

9. This application is allowed.

(Rajeev Ranjan Prasad, J)

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