

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5683 of 2024

Arising Out of PS. Case No.-502 Year-2023 Thana- HARSIDHI District- East Champaran

SHIVAM KUMAR SON OF MOHAN SAHANI RESIDENT OF VILLAGE -
DHANKARIYA, P.S. - HARSISHI, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner, the State as
also the informant.

2. The petitioner is apprehending arrest in connection with Harsidhi P.S. Case No. 502 of 2023 instituted under Sections 413, 414, 120(B) of the of the Indian Penal Code and section 25(1-A)(1-b) a/26/35 of the Arms Act lodged on 11.8.2023 by the informant, Mahendra Kumar.

3. As per the prosecution story,the informant upon information intercepted a motorcycle and apprehended Prithwi Raj Prince and Alok Kumar. They confessed to be in the habit of snatching the motorcycle at the point of pistol and gave the names of the associates, the petitioner being one of them. Accordingly, he was named in the FIR.

4. It is the case of the petitioner that he is student,



having no criminal antecedent, pursuing law in Sri Krishna Jubilee Law College, Muzaffarpur and only on the basis of confessional statement, implicated.

5. Learned APP opposes the prayer for anticipatory bail.

6. Considering the aforesaid submission put forward by the learned counsel for the petitioner as also that he is a student of law and do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Harsidhi P.S. Case No. 502 of 2023 to the satisfaction of learned J.M.1st Class, Sadar at Motihari, East Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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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