

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70316 of 2024**

Arising Out of PS. Case No.-51 Year-2024 Thana- PARBATTI District- Khagaria

Shambhubhushan Singh Son of Late Krishanbhim Singh Resident of Vill-  
Aguwani, P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Budhimal Yadav, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      13-02-2025                      1. Heard learned counsel for the petitioner, Mr.  
Chandra Bhushan Prasad, learned A.P.P. for the State and  
learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 341, 323,  
307, 504 and 506/34 of the Indian Penal Code as well as Section  
27 of the Arms Act.

3. Learned counsel for the petitioner submits that  
petitioner has antecedent of two cases and the informant alleges  
that on 01.02.2024, he along with his son on a motorcycle at  
8.45 a.m. were going to school when the accused persons came  
and started abusing him and asked to withdraw the case. Further,  
on refusal, Mantun Singh and Aman Kumar fired causing injury  
on the abdomen of the informant. Thereafter, Shivam Kumar @  
Neta and Ranjan Kumar fired causing injury on the chest of the



son of the informant and when his father, namely, Sharda Prasad Singh came to save them, petitioner fired causing injury on his right finger.

4. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that altogether 14 accused are named in the FIR but then in those 14 accused, the petitioner is not named but in the later portion of the FIR, it has been alleged that when the father of the informant came to save him, the petitioner fired causing firearm injury on his finger. It is further submitted that there is no injury report of Sharda Prasad Singh on record which amply demonstrates that the said allegation has only been alleged to give serious colour to the case. It is next submitted that petitioner has been falsely implicated alleging that he fired causing firearm injury on right finger of the father of the informant.

5. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner. Learned counsel appearing on behalf of the informant submits that petitioner has not approached this Court with clean hands. It is further submitted that at para 3 of the anticipatory bail



application, it has been submitted that petitioner has antecedent of two cases when he has antecedent of four cases. It is next submitted that a bald statement has been made by the learned counsel appearing on behalf of the petitioner that no firearm injury was caused to the father of the informant when it has not been specifically pleaded in the anticipatory bail application.

6. Be that as it may, after hearing the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Parbatta P.S. Case No. 51 of 2024 corresponding to G.R. No. 342 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than two cases in that event the present order not not be given effect to.

8. It is further made clear that the learned trial court



shall also verify the injury report of Sharda Prasad Singh and if it is found that he had suffered firearm injury on his finger in that event also the provisional anticipatory bail order shall not be confirmed but if it is found that petitioner has antecedent of two cases only and Sharda Prasad Singh had not received any firearm injury on his finger in that event the provisional anticipatory bail order shall be confirmed forthwith.

**(Satyavrat Verma, J)**

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