

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77056 of 2025

Arising Out of PS. Case No.-208 Year-2025 Thana- KHAJEKALA District- Patna

Shivam Kumar @ Shivam Dubey S/o Late Nagendra Rai @ Karu Rai R/o
Diwan Mohalla, Hamampar, P.S.- Khajekalan, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 18-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Khajekalan P.S. Case No. 208 of 2025 instituted for the offence
under Sections 109, 61 & 3(5) of the Bharatiya Nyaya Sanhita,
2023 and Section 27 of the Arms Act.

3. The informant alleged that on 17.05.2015, the
accused Deepak @ Telam, Anil @ Condom and Shivam Dubey
(petitioner) intercepted him near Tikiya Tole transformer,
accused him of hindering their smack business, and opened fire,
causing a gunshot injury to his thigh. The accused fled, and the
informant was taken to hospital and it is further alleged that they
acted at the instigation of Ajay Verma.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.06.2025. Petitioner bears ten (10) criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is no specific allegation against the petitioner, rather the same is general and omnibus in nature. Specific allegation is against co-accused, namely, Deepak @ Telam. Charge sheet has already been submitted in this case, thereafter, cognizance is also taken by the Court below. There is no allegation of Section 109 against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no specific allegation against the petitioner and cognizance being taken, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khajekalan P.S.



Case No. 208 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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