

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87174 of 2024

Arising Out of PS. Case No.-358 Year-2023 Thana- MAHARAJGANJ District- Siwan

Prit Shahi @ Prit Kumar Shahi S/o- Prabhakar Shahi @ Prabhakan Shahi, R/o
Village- Paterha, PS- Maharajganj, Dist- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-01-2025 Heard Mr. Arbind Kumar, the learned counsel for

the petitioner and Mr. Ramchandra Sahni, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with G.R. No. 6206 of 2023, arising out of
Maharajganj PS Case No. 358 of 2023, FIR dated 27.12.2023,
registered for the offences punishable under Section 307 and 34
of the Indian Penal Code read with Section 27 of the Arms Act.

3. According to the prosecution case, the co-accused
persons came at the door of the informant and started abusing
him and when the informant opened the door, the co-accused
persons with an intention to kill started firing indiscriminately.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case and the



allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact, the informant is PDS dealer and the petitioner and other co-accused persons have complained about non-supply of the PDS articles, therefore, petitioner has falsely been implicated in the present case. He further submits that as per allegation in the FIR, the petitioner and other co-accused persons have all fired upon the informant and informant has not received any injury and it is evident from the FIR itself that there is no specific allegation against the petitioner rather, there is general and omnibus allegation against all the co-accused persons including the petitioner. He lastly submits that the co-accused person namely, Vikash Singh @ Vikash Kumar Singh has been granted the privilege of anticipatory bail by this Court *vide* order dated 31.07.2024 passed in Cr. Misc. No. 35630 of 2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is no specific allegation of firing attributed against the petitioner, rather there is general and



omnibus allegation against all the co-accused persons including the petitioner and similarly situated co-accused person has been granted the privilege of anticipatory bail by this Court and informant has not received any injury, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Siwan, where the case is pending in connection with **G.R. No. 6206 of 2023, arising out of Maharajganj PS Case No. 358 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court shall take step 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.

(Rajesh Kumar Verma, J)

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