

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59377 of 2025

Arising Out of PS. Case No.-41 Year-2023 Thana- MATIHANI District- Begusarai

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Shambhu Kumar @ Shambhu, S/o Late Suresh Nishad, R/o Vill- Malhipur
Bindh Toli, P.S.- Chakiya, Distt. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sudha Ambastha, Adv.

Ms. Amrita Kumari, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

7 06-02-2026 This is second attempt on behalf of the petitioner
for grant of bail. Earlier, his prayer was rejected *vide* order
dated 21.04.2025 passed in Cr. Misc. No. 83104 of 2024.

2. Heard the learned counsel for the petitioner and
the learned Addl. Public Prosecutor for the State.

3. The petitioner, who is in custody, seeks bail in
connection with Matihani P.S. Case No. 41 of 2023 registered
for the offence(s) punishable under Section(s) 307/34 of the
Indian Penal Code and Section 27 of the Arms Act.



4. The prosecution case is to the effect that on 13.02.2023, the co-accused/Nikku Kumar, came to the house of the informant and asked him to come out and while walking away from the house, it is alleged that the petitioner and co-accused/Futuki Mahto came out from the maize field and fired upon the informant, hitting him in his belly. It is alleged that thereafter all the three accused persons, including the petitioner, fled away from the spot.

5. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on account of a previous case lodged against the informant with regard to the murder of the elder brother of the petitioner, in which, the petitioner happens to be an eye-witness. It has been submitted that the incident is said to be of 13.02.2023, whereas the statement of the informant is said to have been recorded on 19.02.2023 and even the police was informed about the occurrence on the said day, however the F.I.R. was lodged on 02.04.2023, which goes on to show that as an afterthought, the name of the petitioner has been inserted only to take revenge for the previous case which was lodged from the side of the petitioner. It has further been submitted that there is no explanation for the delay of forty nine days in lodging of the



F.I.R. It has lastly been submitted that the petitioner carries no criminal antecedent and he is in custody since 31.07.2024.

5. The learned Addl. Public Prosecutor for the State has vehemently opposed the prayer for bail and has submitted that there is an allegation upon the petitioner to have fired upon the informant, hitting him on his stomach and he has to undergo treatment for the same in a hospital at Begusarai.

6. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioner has remained in custody since 31.07.2024, let the petitioner, above-named, be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten 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 Matihani P.S. Case No. 41 of 2023, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is



found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.
8. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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