

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59234 of 2025

Arising Out of PS. Case No.-132 Year-2021 Thana- TAJPUR District- Samastipur

SHALU KUMAR @ SHOLU KUMAR @ SALU Son of Vinod Sah @ Vinod Sah @ Binod Singh R/O Vill.- Gangapur, P.S.- Tajpur (O.P.- Vaini), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Mr. Anish Kumar, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Abhay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 01-05-2026 Heard Mr. N. K. Agarwal, learned senior counsel for petitioner and Mr. Abhay Kumar, learned counsel for the informant as also Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is in custody in connection with Tajpur P.S. Case No. 132 of 2021 for the offence registered under Sections 302, 34, and 120(B) of the Indian Penal Code and section 27 of the Arms Act lodged on 27.03.2021 by the informant, Prabha Kumar @ Prabha Devi.

3. As per the prosecution case, the allegation in the FIR is that upon hearing the bullet sound the informant went down stairs and found her son in a pool of blood with bullet



hitting his head and body. The named accused, petitioner included escaped in two motorcycles. This led to the FIR.

4. Learned senior counsel for the petitioner submits that omnibus allegation of firing is against all the accused persons, the postmortem report records two entry wounds in the body whereas there are five named accused. Further, one Aman Kumar was extended relief in Cr. Misc. No. 9146 of 2022 **(Aman Kumar Vs. State of Bihar)** by a coordinate Bench (Annexure- 3) to the petition. He has remain in custody since 30.03.2024 and further undertakes that if granted relief is/are:-

i. shall leave the district and will come to the place only on the date of trial.

ii. he is ready to move with the police from the place of residence in the different district in the place of trial and back to the residence. If there is any apprehension from him, might down the informant/witnesses.

iii. if it comes to the knowledge of the trial court/police that at any point of time he has threatened the informant/witness, the Court shall take immediate steps for cancellation of bail bonds.

5. Learned counsel representing the informant submits that the informant is a lady and is a retired government servant.



He further submits that six witnesses out of eight witnesses have been examined and Aman Kumar is now an absconder and due to the informant/witnesses always being threatened, a proper report has already been submitted both before the Superintendent of Police, Samastipur as also the learned trial court.

6. Learned counsel for the State also opposes the prayer submitting that though under Excise Act, he has criminal antecedent.

7. Having gone through the submission put forth by learned senior counsel for the petitioner and also taking into the account the custody period of the petitioner and though Aman Kumar is an absconder he was granted relief by a coordinate Bench earlier, as recorded above, in that background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned A.D.J.-1, Samastipur, in connection with Tajpur P.S. Case No. 132 of 2021, subject to the following conditions:

(i) one of the bailor should be the family member /relative of the petitioner who shall provide official document



(Aadhaar Card/Voter ID Card/Pan Card/Driving License) 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 her bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the concerned Police Station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the trial court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) 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;

(v) 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.

9. It is made clear that failure on the part of the petitioner to abide by any of the undertaking and/or he continues to leave in the said district, the trial court /Police shall take immediate steps to ensure that the bail granted to him stands



cancelled.

10. Since the case of Aman Kumar already stands bifurcated, the trial court is also requested to ensure that the trial is concluded at the earliest.

(Rajiv Roy, J)

Ranjeet/-

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