

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83226 of 2025

Arising Out of PS. Case No.-104 Year-1997 Thana- SAHEBGANJ District- Muzaffarpur

Umashankar Singh @ Uma Singh, Son of Late Narayan Singh R/O Village -
Banuaara Mani Dilawarpur, P.S.- Kalyanpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma- Sr. Advocate Ms. Priyanka Singh- Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar- A.P.P. Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 09-01-2026 1. Heard learned senior counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 399 and 402 of the Indian Penal Code.
3. The S.H.O. and the Investigating Officer of the
case in compliance of the order dated 05.12.2025 are present in
the Court.
4. The learned senior counsel for the petitioner
submits that petitioner had earlier moved before this Court
seeking anticipatory bail by filing Cr. Misc. No.53550 of 2025
and the same was taken up on 19.08.2025, when a specific
submission was made that petitioner is not aware whether any



process under Sections 82 and 83 Cr.P.C. has been issued or not against him. Accordingly, the S.H.O. and the Investigating Officer of the case were directed to remain physically present before the Court on 25.08.2025. It is further submitted that on 25.08.2025, the learned senior counsel and the learned advocate on record for personal reason could not appear in the Court in Cr. Misc. No.53550 of 2025, but then, the case was taken up as the S.H.O. and the Investigating Officer of the case in compliance of the order dated 19.08.2025 were present.

5. It is next submitted that learned A.P.P. based on instruction of the S.H.O. and the Investigating Officer of the case submitted that process under Section 82 Cr.P.C. was issued in the Year 2001 and the process under Section 83 Cr.P.C. was issued in the Year 2007. It is further submitted that based on the said submission of the learned A.P.P. and the fact that petitioner remained unrepresented on 25.08.2025, the anticipatory bail was considered on merit and rejected. It is next submitted that thereafter the instant Criminal Miscellaneous Application i.e. second anticipatory bail application has been filed seeking anticipatory bail to the petitioner on the ground that though the S.H.O. and the Investigating Officer of the case instructed the learned A.P.P. to submit that process under Sections 82 and 83



Cr.P.C. was issued, but then, it is asserted and submitted that the aforesaid process were not executed or else the petitioner would have surrendered way back in the Year 2007 itself. It is reiterated and submitted that process was never executed, as such, petitioner never came to know about his implication in the instant FIR which was instituted in the Year 1997. It is also submitted that petitioner has been named in the FIR, but then, his father name is not given nor complete address is provided and the FIR vaguely mentioned the police station as Kesariya without naming the district, when the petitioner is a resident of a place which false under Kalyanpur Police Station in East Champaran. It is further submitted that it might be a possibility that in the FIR also, other accused were implicated and the police in a mechanical manner implicated the petitioner.

6. It is again asserted and submitted that process under Sections 82 and 83 Cr.P.C. was never executed. It is also submitted that petitioner is 72 years of age and is a person with clean antecedent and in these 28 years, police never made any endeavours to arrest him. It is also submitted that had process under Section 83 Cr.P.C. been executed, in that event, the police would have seized household articles, but the same was not done. It is next submitted that from perusal of the allegation as



alleged in the FIR, it would manifest that informant received a confidential information from Chaukidar Shatrughan Rai and Ramesh Mahto on 09.08.1997 that one Gopal Tiwary along with his associates were planning to commit dacoity at Naya Tola Dostpur. Accordingly, on receiving the information, the raiding team reached the place of occurrence and during the raid, one Ram Babu Singh @ Vijay Singh was apprehended with a loaded rifle, while the remaining accused fled and the apprehended accused disclosed the name of his accomplices including the petitioner. It is also submitted that had the apprehended accused disclosed the name of the petitioner, in that event, at least the address would have been correctly disclosed, but then, that is not the case.

7. It is submitted that the instant case was taken up on 05.12.2025 when the aforesaid order was recorded and the S.H.O. and the Investigating Officer of the case were directed to remain physically present on 12.12.2025. It is submitted that on 12.12.2025, the case could not be taken up as Division Bench was formed, hence the case was directed to be listed on 09.01.2026 and the S.H.O. and the Investigating Officer of the case were directed to remain physically present before the Court.



8. Today, when the matter is taken up, the S.H.O. and the Investigating Officer of the case are present in the Court and do not dispute the submissions of the learned senior counsel appearing on behalf of the petitioner that petitioner is a resident of a place which false under Kalyanpur P.S. in the District of East Champaran and is not a resident of a place which false within Kesariya Police Station. It is also submitted that no doubt, process under Sections 82 and 83 Cr.P.C. were issued, but then, the same were issued with respect to an accused who was a resident within the Kalyanpur Police Station.

9. The S.H.O. fairly submits that process under Sections 82 and 83 Cr.P.C. was never executed with respect to the petitioner nor the police ever raided the house of the petitioner which false within Kalyanpur Police Station in the District of East Champaran. It is next submitted that case is an old one several I.O.s have changed, but then, from perusal of the case diary, it appears that there was confusion with regard to the address of the petitioner as recorded in the FIR. It is also fairly submitted that in the FIR, the petitioner is not described by his parentage nor his address is recorded and during the course of investigation also, the said discrepancies remained. It is also submitted that in the event, if privilege of anticipatory bail is



granted, in that event, the petitioner may not cooperate in the investigation, on which the learned senior counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

10. Learned A.P.P. opposes the anticipatory bail application.

11. After hearing the learned counsel for the parties, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Sahebganj P. S. Case No.104 of 1997, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

12. The application stands allowed.

13. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required,



the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

14. Further, it is made clear that in the event, if charge-sheet is filed and the learned trial court comes to a conclusion that petitioner after filing of charge-sheet is trying to delay the framing of charge or after framing of charge is trying to delay the trial in both the condition, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

15. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

16. The personal appearance of the S.H.O. and the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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