

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2592 of 2017**

Arising Out of PS.Case No. -161 Year- 2016 Thana -KADAMKUAN District- PATNA

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Amit Kumar, aged about 28 years, Son of Raj Kishor Singh, Resident of  
Mohalla- Bahadurpur, P.O + P.S.- Bahadurpur, Dist.- Patna.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

2      16-02-2017                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

Supplementary affidavit has been filed on behalf of the  
petitioner which has been taken on record.

The petitioner seeks bail in connection with Kadam  
Kauan P.S. Case No. 161 of 2016 registered for the offences  
punishable under Sections 326, 307, 302, 120B/34 of the Indian  
Penal Code, Sections 53, 54 and 55 of Bihar Excise (Amendment)  
Act, 2016.

Allegedly, the informant along with his friend had gone  
to a park situated in Road No. 6b, Rajendra Nagar. Om Prakash  
@ Omi called his friend Rocky to come in the medical shop, at  
that time, four friends of Om Prakash @ Omi, namely, Amit  
Kumar, Raushan Kumar Sharma, Abhishek Kumar @ Monu and



Abhinabh Kumar @ Chhotu were sitting with him, they were taking wine inside the medical shop. Raushan Kumar Sharma asked Rocky whether he is a Rangdar, Rocky replied in negative. On such, Raushan Kumar Sharma assaulted Rocky with a piece of brick on his head, the petitioner is said to have handed over a knife to Rocky and Rocky gave knife blow in the abdomen and neck of Rocky. The informant and others tried to save Rocky but they could not be able to save him.

Submission is of false implication and that the petitioner is not the assailant of the deceased, the petitioner is in custody since 15.07.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner has got no criminal antecedent as stated in paragraph 3 of this petition, co-accused Om Prakash @ Omi and Abhishek Kumar @ Monu have already been allowed bail by another co-ordinate Benches of this Court.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner is not the assailant, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Madhavendra Singh, J. M. Ist Class,



Patna in connection with Kadam Kauan P.S. Case No. 161 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

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