

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26090 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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Aman Kumar Singh @ Aman Singh, Son of Raj Kishor Singh, R/o Sudin Chouk, P.S.- (Sahayak) Khajanchi Hat, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mrs. Indu Bala Pandey, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 22.01.2017 in connection with K. Hat (Sahayak) P.S. Case No. 34 of 2017 registered for the offence punishable under Sections 323, 341, 379, 452, 307 and 506/34 of the Indian Penal Code, Sections 25(1-B) A, 26 of the Arms Act and Section 37(C) of the Bihar Excise Amendment Act, 2016.

The prosecution case, as lodged by the informant, is that some persons, including petitioner were trying to uproot a pole near the temple premises and on objection by the neighbours, petitioner along with eight persons armed with weapons entered into his house and threatened to kill his mother. All the accused



persons named in the First Information Report were found in drunken condition and from the possession of the petitioner one pistol and one live cartridge were recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed by him and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is further submitted that the allegations are general and omnibus as there were nine named FIR and 25-30 unnamed accused persons, hence, it was a mob attack.

However, learned counsel for the informant submits that petitioner was an accomplice of the other accused persons, who threatened the mother of the informant and was armed with weapon. He further submits that the petitioner does not have clean antecedent, as two cases are pending against him, hence, vehemently opposes the prayer for bail. Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum- Special Judge,



Excise, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 34 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner, who would file an affidavit stating his relation with the petitioner and that the said bailor must have sufficient immovable properties within the territorial jurisdiction of the concerned P.S./ Court. Petitioner will also appear before the learned Court below during trial on each and every date and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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