

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19021 of 2017

Arising Out of PS.Case No. -571 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Amit Kumar Sinha @ Amrit Raj Anand @ Amit Lala Son of Ved Prakash Sinha, Resident of Mohalla-Budha Nath, Pancham Bai Lane, Premlata Lane, P.s.-Adampur District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kotwali (Adampur) P.S.Case No. 571of 2016 (Sessions Trial No. 229/2017) registered for offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that he and his wife were sitting in the house, two persons entered into the house and another accused fired at his wife on which she succumbed to the injuries. It was further alleged that one Rikesh Kumar and Kajo Das along with two unknown persons are



involved in the aforesaid offence.

Learned counsel for the petitioner submits that he is not named in the F.I.R.or involved in the alleged occurrence and just because from the C.D.R. it transpired that the petitioner had talked with another co-accused, Kaju Das that he has been made accused on suspicion and no overt act has been committed by the petitioner. It is further submitted that T.I.P. has not been done and co-accused Kaju Das has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 21229 of 2017 dated 28.06.2017. He submits that the petitioner does not bear any criminal history, charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and he is in custody since 12.12.2016.

However, learned A.P.P. for the State submits that there are enough materials in the case diary showing involvement of the petitioner in the present case along with the other accused, hence, opposes the prayer for bail.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional



District Judge- 7th, Bhagalpur in onnection with Kotwali (Adampur) P.S.Case No. 571 of 2016 (Sessions Trial No. 229 of 2017), subject to the conditions that one of the bailors would be a close relative of the petitioner who would have sufficient immovable property within the jurisdiction of the concerned Police Station/ Court, and will file an affidavit Showing his relationship with the petitioner and that the petitioner will appear before the learned Court below on each and every date during trial and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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