

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59341 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -NAWADA District- NAWADA

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Amit Kumar @ Rakka @ Chintu @ Chintu Kumar, Son of Amrendra Kumar Singh, Resident of Village- Gonawan Bypass I.T.I. Campus, Police Station- Nawada Town, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Madhuranand Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-01-2018 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

This is the second round of litigation. Earlier prayer for bail of the petitioners was rejected by this Court vide order dated 20.06.2017 passed in Cr. Misc. No. 15639 of 2017.

Petitioner is languishing in judicial custody since 05.01.2017 in connection with Sessions Trial No. 532 of 2017 arising out of Nawada Town P.S. Case No. 04 of 2017 for offences punishable under Sections 307/34 of the Indian Penal Code and 25 (1-b)a/26/27/35 of the Arms Act.

The prosecution case, as lodged by the police personnel, is that petitioner along with other i.e. Chhotu called the



victim boy and due to money, some quarrel took place. Thereafter petitioner fired on victim boy which hit him on his left forehead.

It has been submitted by the learned counsel for the petitioner that he is innocent, no statement under Section 164 Cr.P.C. has been taken by the Magistrate of the victim boy and it is only on the basis of the F.I.R. lodged by the police personnel, the petitioner has been made accused. He submits that charges have been framed and the petitioner undertakes to cooperate in the trial on day to day basis. He further submits that the petitioner does not have any criminal antecedent.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the injury is grievous in nature and the victim boy has been referred to AIIMS.

Considering the facts and circumstances and the materials on record as well as undertaking, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Assistant Sessions Judge 1st Nawada in connection with Sessions Trial No. 532 of 2017 arising out of Nawada Town P.S. Case No. 04 of 2017, subject to the conditions



that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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