

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14329 of 2018

Arising Out of PS.Case No. -74 Year- 2016 Thana -SULTANGANJ District- BHAGALPUR

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Premjeet Kumar @ Amarjeet Kumar S/o Dhirendra Kumar Mandal @
Dhirendra Kumar Singh, R/o Purani Durga Asthan, Sultanganj, P.S.-
Sultanganj, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-04-2018 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 the prayer
for bail of the petitioner was rejected vide order dated 31.07.2017
passed in Cr. Misc. No. 15859 of 2017.

Petitioner is languishing in judicial custody since
12.05.2016 in connection with Sessions Trial No. 609 of 2016
arising out of Sultanganj P.S. Case No. 74 of 2016 for offences
punishable under Sections 396, 412 of the Indian Penal Code and
Section 25 (1-B)A, 26, 27, 35 of the Arms Act.

The prosecution case is that on 06.05.2016/07.05.2016
in the night, a dacoity was committed in the house of the deceased
and in course of committing the said crime, firing took place and



the Bhaipur of informant was killed.

It has been submitted by the learned counsel for the petitioner that he is innocent and the allegation upon him is of committing dacoity and is not a main assailant. He submits that his name surfaced on the confession of Ankit Kumar, who was arrested on the spot. He submits that although charges have been framed long back but trial has not progressed, no witness has yet been examined. The petitioner further undertakes to cooperate in the trial and appear on day to day basis.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the petitioner has been identified by the niece of the informant and during course of commission of the said robbery one of the person succumbed due to firearm injury.

Considering the facts and circumstances and the materials on record, 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 3rd A.D.J. Bhagalpur in connection with Sessions Trial No. 609 of 2016 arising out of Sultanganj P.S. Case No. 74 of 2016, 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)

Devendra/-

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