

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18316 of 2020

Arising Out of PS. Case No.-332 Year-2019 Thana- DESARI District- Vaishali

AMIT MALLIK Son of Ramji Mallik Resident of Village - Rampur Baghel,
P.S.- Desarai, (O.P.- Sahdei), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Alok Kumar Alok
For the Opposite Party/s :	Mrs. Anita Kumari Singh
	Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Desari (Sahdei O.P.) P.S. Case No. 332 of 2019 for the offence punishable under Sections 394 and 302 of the Indian Penal Code. Subsequently Section 396 of the Indian Penal Code and Section 27 of the Arms Act was added to the set of allegations.

The case of the prosecution in brief is that on 24.09.2019 at about 9:00 o'clock the brother of the informant had gone to



S.B.I. branch, Mahnar to withdraw the money for the customer service centre being run by him whereafter the informant came to know at about 10:50 o'clock that unknown miscreants had shot and injured the brother of the informant and had robbed him of the money withdrawn from the bank. Thereafter, the informant and his family members had gone to the place of occurrence, where the eye witnesses present there had narrated about the incident to the effect that two miscreants had overtaken the motorcycle of the brother of the informant and fired gun shots on him resulting in him sustaining gun shot injuries whereupon the said two miscreants had taken away the money bag. It is further alleged that the informant and others had carried the injured brother of the informant to Primary Health Centre, Mahnar where he was declared dead.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and though he is accused in one other case but he is on bail in the said case. It is further submitted that the name of the petitioner has transpired in the present case on the basis of confessional statement of the co-accused person, namely, Amit Kumar, however, there is no evidence to connect



the petitioner with the alleged crime accept the said confessional statement of the co-accused person. It is further submitted that neither the petitioner is named in the FIR nor any recovery of looted cash amount has been made from the petitioner herein and on the contrary he is languishing in custody since 18.11.2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the fact that apart from the confessional statement of the co-accused person, there is no other evidence to prove the complicity of the petitioner in the alleged crime and moreover the petitioner is having a clean antecedent except one case which is stated to have been filed on the same day as also is languishing in custody since 18.11.2019, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released 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 Additional Chief Judicial Magistrate-IV,
Vaishali, Hajipur in connection with Desari (Sahdeo O.P.) P.S.
Case No. 332 of 2019.

(Mohit Kumar Shah, J)

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