

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24440 of 2019

Arising Out of PS. Case No.-704 Year-2017 Thana- BIHTA District- Patna

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Amit Kumar @ Nishant Kumar @ Amit Singh @ Nishant Son of Pappu Singh, Resident of village-Basaurha, Police Station-Bihata (Neora O.P.), District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

13 10-06-2020 This matter has been taken up through Video Conferencing.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioners are languishing in custody for the offences punishable under Sections 326/302/120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The FIR of the occurrence of murder of Nirbhay Kumar Singh is against unknown lodged by the brother of the deceased. The informant claims to be an eyewitness of the occurrence and he stated in the FIR that unknown criminals fired at Nirbhay Kumar Singh causing his instant death near the



cinema hall of the informant.

During investigation suspicion was raised against other co-accused as they were involved in realization of ransom from the local businessmen, which was being protested by the deceased being leader of the business community. Some others stated that they had also grudge to the deceased as the deceased was not refunding their money. The FIR was lodged on 15.09.2017. Thereafter, on 03.10.2017, the uncle of the deceased stated before the police that he had seen the occurrence of murder and the petitioner and co-accused Md. Shabir and Shankar Choudhary were the assailants of the deceased.

Submission of learned counsel for the petitioner is that petitioner is in custody since 28.03.2018. If the witness Ratnesh Kumar would have seen the occurrence, there was no reason that the name of the petitioner did not surface in the first information report; rather petitioner and others have been implicated as a result of after thought consequence.

Further submission is that similarly situated co-accused Md. Shabir and Shankar Choudhary have already been allowed bail by this Court in Cr. Misc. Nos.26022 and 34590 of 2018. Submission is that the trial is at the stage of defence



evidence.

Learned counsel for the informant submits that the petitioner has got a long list of criminal antecedent disclosed in paragraph-3 of the petition. Moreover, the petitioner suppressed some of the more criminal antecedents which were disclosed only when the informant pointed out the aforesaid fact. He further submits that some other co-accused who are on bail are not cooperating with the trial and they have jumped the privilege of bail. Next contention is that the trial is at the stage of judgment.

Considering the period already undergone by the petitioner, nature of material come up during investigation as stated above as well as no chance of conclusion of trial in near future due to lock down and also considering the fact that motive cannot be alleged for suppressing few cases deliberately when there is disclosure of large number of cases against the petitioner in the bail petition itself, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with S.T. No.81 of 2018, arising out of Bihta P.S. Case No.704 of 2017, with



following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below having immovable property.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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